pension to Henry Edwards; also, paper to accompany bill granting a pension to Caswell P. Ford—to the Committee on Invalid Pensions.

By Mr. CANNON: Petition of Mozart Lodge, of Erie, Pa., and 349 similar societies of German-Americans, protesting against legislation subjecting articles of interstate commerce in the original package to State legislation—to the Committee on the Judiciary.

By Mr. CASSINGHAM: Papers to accompany bill H. R. 2554, granting a pension to Belle Wells; also, papers to accompany bill H. R. 7355, granting an increase of pension to Henry Barrett; also, papers to accompany bill H. R. 2557, granting an increase of pension to James Carr—to the Committee on Invalid Pensions.

By Mr. FLACK: Papers to accompany bill H. R. 8359, to correct military record of Edward Minnie—to the Committee on Military Affairs.

Also, papers to accompany bill granting increase of pension to Mary E. Bonesteel—to the Committee on Pensions.

By Mr. HEMENWAY: Petition of Stone River Post, No. 65, Grand Army of the Republic, of Frankfort, Ind.; also, petition of Bruce Post, No. 273, Grand Army of the Republic; also, petition of Joseph Siscel and others; also, petition of Major Henry Post, Grand Army of the Republic, of Pendleton, Ind.; also, petition of Royal Center (Ind.) Post, Grand Army of the Republic; also, petition of General Willich Post, No. 543, Grand Army of the Republic, of Haubstadt, Ind.; also, petition of Fort Wagner Post, No. 581, Grand Army of the Republic, of Evansville, Ind.; also, petition of Harter Post, No. 256, Grand Army of the Republic, favoring the passage of the Hemenway service-pension bill—to the Committee on Invalid Pensions.

By Mr. HILL of Connecticut: Memorial of the Irish Language Society of Bridgeport, Conn., in behalf of bill H. R. 62, for the erection of a monument to the memory of Commodore John Barry, United States Navy—to the Committee on the Library.

By Mr. HINSHAW: Petition of Holland Post, No. 75, Grand Army of the Republic, Department of Nebraska, favoring passage of a service-pension bill—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 4222—to the Committee on Military Affairs.

Also, resolution of John Brown Post, Exeter, Department of Nebraska, favoring the passage of bill H. R. 4067, for service pension—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 1483, to increase pension of J. W. Black—to the Committee on Invalid Pensions.

Also, papers to accompany bill to pension H. F. E. Schroer—to the Committee on Invalid Pensions.

Also, papers to accompany bill H. R. 4939, to increase pension of Rutson J. Bullock—to the Committee on Invalid Pensions.

By Mr. KNAPP: Petition of the board of supervisors of the county of Lewis, N. Y.; resolutions adopted by the board of supervisors of Oswego County, N. Y., and petition of the Farmers' Institute of Lewis County, N. Y., favoring the Brownlow good-roads bill—to the Committee on Agriculture.

Also, petition of W. B. Wait Post, No. 581, Grand Army of the Republic, of New York, for a general service-pension law; also, papers to accompany bill granting an increase of pension to William P. Kinney—to the Committee on Invalid Pensions.

By Mr. LACEY: Papers to accompany bill granting increase of pension to Alexander E. Fine—to the Committee on Invalid Pensions.

Also, petition of citizens of Blakesburg, Iowa, asking for relief of military telegraph operators in the civil war—to the Committee on Military Affairs.

Also, resolution of the Massachusetts Forestry Association, favoring the preservation of the big trees in California—to the Committee on the Public Lands.

Also, resolution of Grain Dealers' National Association, at Minneapolis, Minn., in opposition to the McCumber bill, S. 199—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Retail Implement Dealers' Association of South Dakota, in opposition to parcel-post bill and relative to other measures—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Resolution to pay a sum equal to six months' salary to Eliza Deardorff, widow of John W. Deardorff—to the Committee on Accounts.

By Mr. MURDOCK: Petition of Sherman Post, No. 30, Grand Army of the Republic, Department of Kansas, favoring a service-pension law—to the Committee on Invalid Pensions.

By Mr. PORTER: Paper to accompany bill granting increase of pension to William H. H. Chester; also, papers to accompany bill granting increase of pension to John Gangwisch—to the Committee on Invalid Pensions.

Also, petition of residents of Pittsburg, Pa., against sale of liquor in public buildings and Soldiers' Homes, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. REEDER: Papers to accompany bill for the relief of Alvin W. Harper—to the Committee on War Claims.

Also, paper to accompany bill granting increase of pension to Benjamin Shaffer—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Papers to accompany bill H. R. 8249, granting an increase of pension to Oliver Farrington; also, papers to accompany bill H. R. 8239, granting a pension to Sarah E. Holbrook—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Charles H. Jackson; also, papers to accompany bill granting an increase of pension to Joseph H. Richardson—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting increase of pension to Benjamin Pitman; also, papers to accompany bill granting pension to Ellen J. Tuttle—to the Committee on Invalid Pensions.

By Mr. WM. ALDEN SMITH: Petition of Iron Molders' Union No. 31, of Grand Rapids, Mich., in favor of an eight-hour law and the anti-injunction bill—to the Committee on Labor.

Also, concurrent resolution of Michigan legislature, favoring the erection of a monument in Arlington National Cemetery to the memory of Capt. Charles Vernon Gridley—to the Committee on the Library.

By Mr. SPERRY: Petition of the locomotive engineers of the civil war, asking for pension—to the Committee on Invalid Pensions.

Also, resolution of the Connecticut Civil Service Reform Association, favoring reform in the consular service—to the Committee on Foreign Affairs.

By Mr. WILEY of New Jersey: Papers to accompany bill H. R. 4457, granting an increase of pension to Mary E. Meldrum—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *January 5, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE, D. D.

Mr. JAMES P. CLARKE, a Senator from the State of Arkansas, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved, if there be no objection. It is approved.

RENTAL OF BUILDINGS.

The PRESIDENT pro tempore laid before the Senate a communication from the Public Printer, transmitting, in response to a resolution of the 17th ultimo, a statement of the quarters and buildings rented by the Government Printing Office in the District of Columbia and the annual rental in each case; which, with the accompanying paper, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of E. L. Brien, administrator of Ann Lum, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of John A. Johnson, administrator of Maria Johnson and Sarah E. Ware, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Honolulu Trades and Labor Council, American Federation of Labor, of Honolulu, Hawaii, praying for the enactment of legislation to prohibit the employment of Asiatic and noncitizen labor on all public work done under contract for the Federal Government in that Territory; which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Mill Brook, Pa.; of the congregation of the Methodist Episcopal Church of Mountain Grove, Mo.; of the Ladies' Centennial Book Club, of Ottawa, Ohio; of the Woman's Home Missionary Society of Rochelle, Ill., and of the congregation of the First Baptist Church of Chetopa, Kans., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented memorials of the Germania Verein of West Side; of the Turn Verein of Elkader; of Lodge No. 2, of Sioux

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

City; of Lodge No. 7, of Charter Oak; of the Grand Lodge of the Sons of Hermann, of Sioux City, and of the Germania Verein of Minden, all in the State of Iowa; of the Maennerchor Lodge of Memphis, and of the Gruetli Verein of Memphis, in the State of Tennessee; of Lodge No. 46, of New Orleans; of Lodge No. 1, of New Orleans; of the German Benevolent Association, of New Orleans; of the Deutscher Militaer Verein, of New Orleans, and of the Turn Verein of New Orleans, all in the State of Louisiana; of the Baden Sick Benefit Society, of Kansas City; of the German Workingman Benevolent Society, of Kansas City; of the German Hospital Association, of Kansas City; of the German-American Pioneer Society, of Sedalia; of the California Saengerbund, of California, and of the Schweizer Verein of Hermann, all in the State of Missouri; of the German Library Association, of Wilmington, Del.; of Lodge No. 56, of Janesville; of Lodge No. 49, of Wells; of Lodge No. 31, of Minneapolis; of Lodge No. 5, of Ceylon; of Lodge No. 16, of St. Paul; of Lodge No. 3, of Stillwater; of Lodge No. 61, of Owatoma; of Lodge No. 7, of Lake City; of Lodge No. 48, of Hutchinson; of Lodge No. 10, of Chaska; of Lodge No. 21, of New Ulm; of Lodge No. 30, of St. Paul; of Lodge No. 54, of Wadena; of Lodge No. 1, of St. Paul; of Lodge No. 27, of Minneapolis, and of Lodge No. 52, of North St. Paul, all in the State of Minnesota; of the St. Michaels Society, of Fond du Lac; of the Maennerchor Teutonia, of Mayville; of Lodge No. 113, of Fond du Lac; of the Maennerchor Lodge of La Crosse; of Lodge No. 15, of Mayville, and of the Eighth Ward Aid Society, of La Crosse, all in the State of Wisconsin; of Lodge No. 8, of Denver; of the Turn Verein of Leadville; of Lodge No. 1, of Denver, and of Lodge No. 585, of Denver, all in the State of Colorado; of the Zoellner Maennerchor, of Buffalo; of the Gesang Verein of Utica; of the German Club, of Troy; of the German Hall Association, of Troy; of Lodge No. 234, of Buffalo; of the German Veteran Society, of Albany; of Lodge No. 437, of Utica; of Lodge No. 594, of Buffalo; of the Garfield Benevolent Association, of Buffalo; of Lodge No. 137, of Buffalo; of the Turn Verein of Rochester; of Lodge No. 1, of Buffalo; of Lodge No. 298, of Buffalo; of Lodge No. 598, of Buffalo; of the St. Joseph's Verein, of Albany; of Lodge No. 521, of Buffalo; of the German Young Men's Association, of Buffalo; of Lodge No. 163, of Buffalo; of the Maenner Quartette, of Troy; of Lodge No. 35, of Buffalo; of Lodge No. 116, of Troy; of Lodge No. 7, of Buffalo; of Lodge No. 11, of Albany; of Lodge No. 110, of Albany; of the Turn Verein of Rochester, and of Lodge No. 676, of Buffalo, all in the State of New York; of Lodge No. 5, of Lawrence; of the Turn Verein of Westfield; of Lodge No. 299, of Turners Falls; of Lodge No. 110, of Lawrence; of Lodge No. 601, of Athol; of Lodge No. 1, of Holyoke; of the German Spiritual Society, of Lawrence; of the Gesang Verein of Lawrence; of the Turn Verein of Springfield; of the Gymnastic Club, of Holyoke; of the Turn Verein of Clinton; of the Singing Society of Lawrence; of Lodge No. 255, of Greenfield; of Lodge No. 7, of Turners Falls, and of Lodge No. 2, of Adams, all in the State of Massachusetts; of the Lafayette Hose Company, of Egg Harbor; of Lodge No. 44, of Egg Harbor; of the Singing Society of Egg Harbor; of Lodge No. 119, of Egg Harbor; of Lodge No. 228, of Somerville, and of the German-American Central Verein, of Newark, all in the State of New Jersey; of Lodge No. 84, of Evansville; of Lodge No. 49, of Evansville; of Lodge No. 464, of Evansville; of the Central Turn Verein, of Evansville; of the Walther League, of Fort Wayne; of the German Benevolent Association, of New Albany; of Lodge No. 355, of New Albany, of the Turn Verein of Fort Wayne; of the German Benevolent Society, of Wabash; of the Saengerbund Lodge of Hammond, and of the German Federation of Indianapolis, all in the State of Indiana; of the Deutscher Krieger Verein, of Quincy; of Lodge No. 138, of Belleville; of the Singing Society of East St. Louis; of the Singing Society of Belleville; of Lodge No. 1, of Belleville; of the Germania Society of Freeport, and of the Turn Verein of Belleville, all in the State of Illinois; of the Turn Verein of Grand Island; of the Orpheus Society of Columbus; of Lodge No. 8, of Bloomfield; of Lodge No. 7, of Hooper; of the Turn Verein of Omaha; of Lodge No. 12, of Columbus; of the Maennerchor of Columbus; of Lodge No. 14, of Humphrey, and of the Germania Verein of Grand Island, all in the State of Nebraska; of the Knights of the Golden Eagle of Scranton; of Lodge No. 139, of Erie; of Lodge No. 18, of Philadelphia; of the Leiderkranz Lodge of Reading; of the Prospect Employees' Relief Association, of Philadelphia; of Lodge No. 1, of Philadelphia; of the German Hancock Benevolent Association, of Philadelphia; of the Junger Maennerchor of Philadelphia; of Lodge No. 1, of Philadelphia; of the Maennerchor Lodge of Philadelphia; of the Turn Bezrik of Philadelphia; of Lodge No. 203, of Philadelphia; of Lodge No. 37, of Philadelphia; of the Beneficial Society No. 1, of Philadelphia; of Lodge No. 1012, of Philadelphia; of the Beneficial Society No. 2, of Philadelphia; of Lodge No. 30, of Philadelphia; of Lodge No. 290, of Erie, and of the Turn Verein No. 1, of Philadelphia, all in the State of Pennsylvania; of the St. Joseph Verein, of Spokane; of Lodge No. 9, of Spokane; of Lodge No. 12, of Walla Walla; of Harmonia Lodge, of Chehalis; of Lodge No. 11, of Uniontown, and of the German Society of Fairhaven, all in the State of Washington; of the Moltke Lodge No. 19, of Livingston, Mont.; of the Turn Verein of Topeka; of the Harmonia Lodge, of St. Marys, and of Lodge No. 6, of Topeka, all in the State of Kansas; of Lodge No. 4, of Grand Rapids; of Lodge No. 17, of Grand Rapids; of Lodge No. 171, of Grand Rapids; of the Turn Verein of Grand Rapids, and of the Germania Maennerchor of Grand Rapids, all in the State of Michigan; of Schiller Lodge No. 1, of Salt Lake City, Utah; of Koerner Lodge, No. 3, of Richmond, Va.; of the Grand Lodge of the Sons of Hermann of San Francisco; of the Concordia Turn Verein, of San Diego, and of Lodge No. 22, of San Diego, in the State of California, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. SMOOT presented a petition of the Weber Club and the Business Men's Association of Ogden, Utah, praying for the enactment of legislation to improve the American merchant marine; which was referred to the Committee on Commerce.

Mr. BURROWS presented petitions of the Benjamin Woman's Christian Temperance Union, of Grand Rapids; of the Woman's Home and Foreign Missionary Society of the Immanuel Presbyterian Church, of Grand Rapids; of the congregation of the Forest Avenue Presbyterian Church, of Detroit; of the Woman's Home Missionary Society of the Presbytery of Detroit; of the Woman's Club of Lansing; of the Lakeside Club of Manistee; of the Woman's Missionary Society of Lapeer; of the congregation of the Second Avenue Presbyterian Church, of Detroit; of the Fairbanks Woman's Relief Corps, of Detroit; of the Louisa St. Clair Chapter, Daughters of the American Revolution, of Detroit, all in the State of Michigan, and of sundry ministers of the Methodist Episcopal Church of Washington, D. C., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. NELSON presented memorials of the Sailors' Union of the Pacific, of Seattle, Wash.; of the Sailors' Union of the Pacific, of Portland, Oreg., and of the Sailors' Union of the Pacific, of Port Townsend, Wash., remonstrating against the enactment of legislation relating to allotments of seamen's wages; which were referred to the Committee on Commerce.

Mr. DUBOIS presented petitions of the Coeur d'Alene Treble Clef, of Wallace, and of sundry citizens of Weiser, Idaho, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. BEVERIDGE presented petitions of the congregation of the Bethany Presbyterian Church, of Fort Wayne; of the congregation of the Presbyterian Church of Newtown; of the Deer Creek Monthly Meeting of Friends; of the Woman's Home and Foreign Missionary Society of the First Presbyterian Church of Indianapolis; of the Missionary Society of the Presbyterian Church of Vincennes; of the congregation of the First Presbyterian Church of Jeffersonville; of the Young Woman's Missionary Society of the Second Presbyterian Church of Indianapolis; of sundry citizens of Salem, and of the Woman's Christian Temperance Union of Valparaiso, all in the State of Indiana, praying for an investigation of the charges made and filed against the Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. HOPKINS presented a petition of 30 citizens of Rockford, Ill., praying for the passage of the so-called McCumber bill to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of 103 citizens of Paxton; of 39 citizens of Kirkwood; of 51 citizens of Minonk; of 16 citizens of Princeton; of the Woman's Christian Temperance Union of Galesburg; of the Woman's Christian Temperance Union of Prophetstown; of the congregations of the First Congregational Church of Woodstock and the Methodist Episcopal Church of Woodstock; of 21 citizens of Woodstock; of the congregation of the First Presbyterian Church of Woodstock; of the Woman's Christian Temperance Union of Woodstock; of the congregations of the First Baptist Church of Woodstock and the Presbyterian Church of Sheldon; of 17 citizens of Hancock County; of the Illinois Baptist General Association, of Chicago; of 2,000 citizens of Cook and adjacent counties; of the Woman's Christian Temperance Union of Laclede; of the Woman's Christian Temperance Union of Evanston; of the Springfield Baptist Association, of Pleasant Plains; of the Synod of Illinois, of Kirkwood; of 11 citizens of St. Charles; of the congregation of the First Congregational Church of Wheaton; of the Woman's Christian Temperance Union of Harvard; of the congregation of the First Presbyterian Church of Austin; of the Woman's Club of Cairo; of the Woman's Christian

Temperance Union of Langham; of the Woman's Christian Temperance Union of Belvidere; of the Woman's Christian Temperance Union of Verona, and of the congregation of the Methodist Episcopal Church of Lostant, all in the State of Illinois, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. QUAY presented a petition of the congregation of the Methodist Episcopal Church of Espyville, Pa., and a petition of sundry citizens of Clifton Heights and Alden, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. FRYE presented a petition of Grand Lodge, Brotherhood of Railroad Trainmen, praying that the Department of Labor be made a separate and distinct department; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Shipowners' Association of the Pacific Coast, and a memorial of the Lake Seamen's Union, remonstrating against the enactment of legislation relating to allotments of seamen's wages; which were referred to the Committee on Commerce.

He also presented a petition of Grand Lodge, Brotherhood of Railroad Trainmen, praying for the passage of the so-called Hoar anti-injunction bill; which was referred to the Committee on the Judiciary.

He also presented a petition of Grand Lodge, Brotherhood of Railroad Trainmen, praying for the enactment of legislation making common carriers engaged in interstate commerce liable to their employees for injuries, etc.; which was referred to the Committee on Interstate Commerce.

He also presented a petition of Grand Lodge, Brotherhood of Railroad Trainmen, praying for the enactment of more stringent immigration laws; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Pensions; which was agreed to:

A bill (S. 2843) for the relief of Joshua Jenkins; and

A bill (S. 2340) for the relief of the estate of the late John Erb.

Mr. WARREN, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration, and that they be referred to the Committee on Military Affairs; which was agreed to:

A bill (S. 2342) for the relief of Theodore D. McCaddon;

A bill (S. 2343) for the relief of James McElroy; and

A bill (S. 1439) for the relief of Andrew A. Kelly.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 3005) for the relief of the trustees of the Presbyterian Church of Beverly, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3006) for the relief of the trustees of the Presbyterian Church of Hardy County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3007) for the relief of Maramon A. Martin, late private of Company A, Sixth Regiment West Virginia Volunteer Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3008) granting an increase of pension to John R. McMannomy (with accompanying papers);

A bill (S. 3009) granting an increase of pension to James Devor;

A bill (S. 3010) granting a pension to Malinda Householder (with an accompanying paper); and

A bill (S. 3011) granting a pension to William F. Bunger (with accompanying papers).

Mr. PENROSE introduced a bill (S. 3012) to correct the military record of Patrick O'Connor, alias Patrick Kennedy; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3013) granting an increase of pension to Randolph Hayman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3014) to equalize the rank and pay of certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3015) to provide for an additional judge of the district court of the United States for the eastern district of Pennsylvania; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. PERKINS introduced a bill (S. 3016) making an appropriation for the erection of a permanent rostrum in the national cemetery at the Presidio, San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 3017) granting a pension to Justin H. Wixom; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3018) granting an increase of pension to George W. Sullivan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3019) granting an increase of pension to Charles Sweet (with an accompanying paper);

A bill (S. 3020) granting an increase of pension to Theodore O. Winans (with accompanying papers);

A bill (S. 3021) granting an increase of pension to Samuel B. Davis (with accompanying papers);

A bill (S. 3022) granting a pension to John S. Richie (with accompanying papers);

A bill (S. 3023) granting an increase of pension to Sanford S. Henderson (with accompanying papers);

A bill (S. 3024) granting an increase of pension to Francis H. Churchill;

A bill (S. 3025) granting an increase of pension to Lewis Crider (with accompanying papers);

A bill (S. 3026) granting an increase of pension to Mary Fields;

A bill (S. 3027) granting an increase of pension to Joseph P. Pullis (with an accompanying paper); and

A bill (S. 3028) granting an increase of pension to Aaron H. Watts.

Mr. LODGE introduced a bill (S. 3029) granting a pension to Margaret French; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3030) granting a pension to Charles O. Fargo; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 3031) granting an increase of pension to Jane E. Lusha; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3032) to authorize the appointment of Creighton Churchill, now an ensign on the retired list of the Navy, a lieutenant on the active list of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3033) granting an increase of pension to Charles B. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3034) to fix the compensation of criers and bailiffs in the United States courts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MITCHELL introduced a bill (S. 3035) to amend an act entitled "An act making further provision for a civil government for Alaska, and for other purposes," approved June 6, 1900; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 3036) for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FRYE introduced a bill (S. 3037) to authorize the President of the United States to appoint Wilson B. Strong captain and quartermaster in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3038) granting an increase of pension to Joseph H. Kennedy; and

A bill (S. 3039) granting a pension to Edward A. Poag.

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3040) to correct the military record of William Riley; and

A bill (S. 3041) to correct the military record of Calloway Taylor.

Mr. FOSTER of Washington introduced a bill (S. 3042) to amend an act relating to the sale of gas in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

MILTON STRATTAN—WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Milton Strattan, accompanying Senate bill 5527, Fifty-seventh Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

PENSIONS TO EX-PRISONERS OF WAR.

On motion of Mr. PENROSE, it was

Ordered, That there be printed for the use of the Senate 3,000 copies of Senate bill 1716, "Granting pensions to soldiers and sailors confined in so-called Confederate prisons."

THEATERS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioners of the District of Columbia are directed to make, as soon as is practicable, a full examination into the condition of all theaters and places of public entertainment in the District of Columbia, in order to see if such theaters and public places are maintained and conducted in accordance with the statutes and regulations of the District of Columbia, and whether or not any such theaters or places of entertainment are going on without proper license. The District Commissioners shall make report upon said investigation to the Senate.

SECESSION OF PANAMA.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate a resolution, which will be read by its title.

The SECRETARY. Senate resolution No. 66, submitted by Mr. MORGAN December 18, 1903, that neither the President, nor the President and the Senate, as the treaty-making power of the United States, has the lawful power to wage or declare war against any foreign power without the consent of Congress, when such country is at peace with the United States, etc.

Mr. LODGE. Mr. President, there is now pending before the Committee on Foreign Relations a treaty with the Republic of Panama. I have no intention of discussing that treaty or its terms. It would be manifestly improper for me to do so, because the terms and provisions of that treaty must be the subject of discussion in executive session. But the events, sir, which led to the making of that treaty are entirely public. They have been made the subject of much discussion here already and of much wider discussion in the press of the country. It is in regard to those events I desire to speak this morning.

I wish first to say something about the general law and the precedents affecting the right and methods of the recognition of a new state. I feel as if I ought to apologize for entering upon a review of the authorities and the precedents, not merely because the subject is necessarily a dry one, but because all those precedents and all that law are or ought to be familiar to every member of this body. But there have been so many misstatements in regard to the law and the precedents affecting the right of recognition by one country of the independence of another, there has been such a cloud of misapprehension resting upon the subject that it has seemed to me impossible to refrain from making some statement in regard to it. I shall try to be extremely brief in what I have to say on that subject, but I wish to bring the authorities together in such a manner that they can be easily examined by anyone who takes sufficient interest in the question to make such examination.

I think, Mr. President, we may accept it as settled by all the writers on international law, as a general proposition, that a revolted state or colony may under certain circumstances be recognized as sovereign and independent by a neutral nation without thereby necessarily departing from an attitude of strict neutrality or giving just cause of offense to the parent state. The conditions necessary before such a recognition of independence is proper have been clearly defined by competent authorities.

Halleck, in his International Law, says:

When * * * a state changes its government or a province or colony that before had no separate existence is in the possession of the rights of sovereignty, the possession of sovereignty de facto is taken to be possession de jure, and any foreign power is at liberty to recognize such sovereignty by treating with the possessor of it as an independent state. Where sovereignty is necessary to the validity of an act no distinction is or ought to be made between sovereignty founded on a good or bad title. * * * In international transactions possession is sufficient.

In Lawrence's Wheaton's International Law (pt. 1, chap. 2, p. 36) is found the following discussion of what actually constitutes sovereignty in a state:

Sovereignty is acquired by a state either at the origin of the civil society of which it is composed or when it separates itself from the community of which it previously formed a part and on which it was dependent. * * * The internal sovereignty of a state does not in any degree depend upon its recognition by other states. * * * The existence of the state de facto is sufficient in this respect to establish its sovereignty de jure. It is a state because it exists.

Precisely the same definition of a sovereign state is found also in Kluber, Droit des Gens Moderne de l'Europe, section 23.

Further, in Lawrence's Wheaton, page 47, is the following:

Where a revolted province or colony has declared and shown its ability to maintain its independence the recognition of its sovereignty by other foreign states is a question of policy and prudence only.

And again, on page 48 of the same work, Lawrence's note No. 19, it is said:

Before a formal recognition by sending ambassadors and entering into treaties by foreign powers, there should be a practical cessation of hostilities on the part of the old state which may long precede the theoretical renunciation of her rights, and there should be a consolidation of the new state so far as to be in a condition of maintaining international relations with other countries, an absolute bona fide possession of independence as a separate kingdom, not the enjoyment of perfect and undisturbed tranquillity—a test too severe for many of the oldest kingdoms—but there should be the existence of a government acknowledged by the people over whom it is set, and ready to prove its responsibility for their conduct when they come in contact with foreign nations.

The same doctrine is declared in Historicus 1, page 9, by Sir William Vernon Harcourt, which was published at the time of our civil war:

Recognition of the independence of a revolted state is only lawful when such independence is de facto established.

W. E. Hall, who I take it is the first of the English authorities and one of the most recent on international law, says:

Assuming that the recognition of the Spanish-American republics by the United States and England may be taken as a typical example of recognition given upon unimpeachable grounds, and bearing in mind the principle that recognition can not be withheld when it has been earned, it may be said generally that—

(1) Definitive independence can not be held to be established, and recognition is consequently not legitimate, so long as a substantial struggle is being maintained by the formerly sovereign state for the recovery of its authority; and that

(2) A mere pretension on the part of the formerly sovereign state or a struggle so inadequate as to offer no reasonable ground for supposing that success may ultimately be obtained is not enough to keep alive the rights of the state and so to prevent foreign countries from falling under an obligation to recognize as a state the community claiming to have become one.

In a note of Dana's to Wheaton's International Law he says that the tests which should determine the recognition of a foreign state are "the necessities of the foreign recognizing state and the truth of the facts implied that the state treated with was at the time in the condition de facto of an independent state." (Extract and note from W. E. Hall's International Law, Part II, Chap. I, p. 93.)

I will not multiply further citations from writers on international law, for I think it is perfectly clear to anyone who has examined the subject that they all unite in the proposition that the question of the recognition of a new state, whether formed originally or by separation from another state, is a question for the sole determination of the recognizing power, that it is not necessarily in any sense an act of war, and that it may be done with a strict observance of neutrality.

Before coming to the question of recognition, as illustrated by our own law and history and as carried out under our Constitution, I desire to say one single word in regard to a matter which has been used somewhat to cloud the question, and that is the introduction of the theory that because it is a case of secession the United States having prevented the secession of a portion of the States in a great civil war is thereby in some manner debarred from recognizing the independence of a seceding state elsewhere.

Of course, Mr. President, to anyone who pauses to reflect upon it it is obvious at once that practically the only manner in which a new state can now be formed is by separation. It always must have been one of the modes in which a new state was formed. Therefore recognition must be given constantly to states which owe their origin to secession from a parent state or from another state.

An effort has been made to show, as I have said, that there is a glaring inconsistency in our action on Panama. But this view will not bear examination. Although the question of the right of secession under the Constitution was elaborately discussed for many years preceding the war, and although that discussion may have served a useful purpose and was entirely characteristic of a race so fond of law as ourselves, it never to my mind had any very real significance. The right of secession in its essence has nothing to do with constitutions or law. Secession is revolution, and the right of secession is the right of revolution. It is purely a question of fact. Secession, even if it is from a loosely joined league which authorizes the withdrawal of one of the states forming the league, is always destructive. In the case of a league the secession of a member changes its character and may lead to its dissolution. In the case of a government formed under a written constitution like our own, secession is revolution in its broadest sense. If it succeeds a new nation is brought into being, as was the case with us in 1776. If it fails, it is only an abortive attempt at secession and revolution.

The fact that France recognized us when we separated from England did not bind France to submit to the secession of a portion of her own territory. Frenchmen, I think, would have been much surprised if they had been told that because they recognized the United States they were therefore bound not to interfere with Brittany or La Vendée when those provinces rose against the government of the Revolution. The fact that we recognized Texas when she separated from Mexico had no bearing on our acceding to the secession of the Southern States. We have recognized seceding States in South America, not only in the case of

Texas, but in other cases. The State which originally comprised Colombia herself, Venezuela and Ecuador, dissolved into three States, and we recognized the three new States. Within a few years some of the Central American States formed a confederation which we recognized, and when, as it happened, it quickly dissolved, we recognized once more the component parts. The right of secession, in short, has no bearing on the question of recognition. I shall have something to say later as to the constitutional position of Panama under the several constitutions of Colombia, but that is simply to show the relation of Panama to Colombia, and has no bearing on the question of recognition, which is all I desire to deal with at this moment.

I wish now, Mr. President, to say a word as to the general rule of the United States in regard to recognition, first in principle and then in practice.

Turning from the general question of international law to the question of the established usage of the United States in the recognition of foreign governments or nations, it will be found that the United States has always assumed that the government de facto was the government de jure, and that in recognizing such a government the United States has consulted solely necessary questions of policy and prudence. When the Revolutionary Government of France was established after the overthrow of the monarchy, General Washington had no hesitation in recognizing that Government and receiving its accredited minister. The same promptness of recognition was accorded to the Government of the Directorate, the Consulate, and the Empire, which followed in rapid succession the Government of the first French Republic. In regard to the recognition of the South American colonies of Spain after they had revolted and established their independence, the following letter of Mr. Gallatin, United States minister at Paris, to Mr. J. Q. Adams, Secretary of State, November 5, 1818, clearly defines the attitude of the United States:

We had not—

He writes—

either directly or indirectly, excited the insurrection. It had been the spontaneous act of the inhabitants and the natural effect of causes which neither the United States nor Europe could have controlled. We had lent no assistance to either party; we had preserved a strict neutrality. But no European government could be surprised or displeased that in such a cause our wishes should be in favor of the success of the colonies or that we should treat as independent powers those among them which had in fact established their independence.

Mr. Adams, Secretary of State, in a note to Mr. Monroe, President of the United States, of August 24, 1816 (MSS. Monroe Papers, Dept. of State), defines in the following manner the conditions which would lead the United States to recognize the independence of a foreign government or nation:

There is a stage in such (revolutionary) contests when the party struggling for independence has, as I conceive, a right to demand its acknowledgment by neutral parties, and when the acknowledgment may be granted without departure from the obligations of neutrality. It is the stage when the independence is established as a matter of fact so as to leave the chance of the opposite party to recover their dominion utterly desperate. The neutral nation must, of course, judge for itself when this period has arrived.

Practically the same doctrine is found in a note of Mr. Jefferson, Secretary of State, to Mr. Morris, November 7, 1792 (MSS. Inst. Ministers):

It accords with our principles, to acknowledge any government to be rightful which is formed by the will of the nation substantially declared.

So, in a note to Mr. Anderson of May 27, 1823 (MSS. Inst. Ministers), Mr. Adams, Secretary of State, restates his position on this question as follows:

When a sovereign, has a reasonable hope of maintaining his authority over insurgents the acknowledgment of the independence of such insurgents would be an international wrong. It is otherwise when such sovereign is manifestly disabled from maintaining the contest.

The principle of recognizing a de facto government without regard to its nature or the manner in which it is established was again affirmed by Mr. Clay in a debate in the House of Representatives in March, 1818, on the proposition to appropriate $18,000 to defray the expenses of a minister to Buenos Ayres. Mr. Clay said:

We had constantly proceeded on the principle that the government de facto was that which we could alone notice, * * * and so far as we are concerned the sovereign de facto is the sovereign de jure.

Almost the same words were employed by Mr. Van Buren, Secretary of State, in a note to Mr. Moore, June 9, 1829 (MSS. Inst. Am. St.):

So far as we are concerned that which is the government de facto is equally so de jure.

Again, Mr. Livingstone, Secretary of State, in a note to Sir Charles Vaughan, April 30, 1833 (MSS. Foreign Legation Notes), says:

It has been the principle and the invariable practice of the United States to recognize that as the legal government of another nation which by its establishment in the actual exercise of political power might be supposed to have received the express or implied assent of the people.

The same doctrine was even more forcibly expressed by Mr. Clay in a report from the Senate Committee on Foreign Relations, June 18, 1836 (S. Doc. 406, 24th Cong., 1st sess.):

The policy which has hitherto guided the Government of the United States in respect to new powers has been to act on the fact of their existence without regard to their origin whether that has been by the subversion of a pre-existing government or by the violent or voluntary separation of one from another part of a common nation.

Again, Mr. Forsyth, Secretary of State, in a note to Mr. Castillo, the Mexican minister, March 17, 1837 (MSS. Notes Mex.), says:

The independence of other nations has always been regarded by the United States as a question of fact merely and that of every people has been invariably recognized by them whenever the actual enjoyment of it was accompanied by satisfactory evidence of their power and determination permanently and effectually to maintain it.

Almost the same language was used by Mr. Buchanan, Secretary of State, to Mr. Rush, United States minister to Paris, on March 31, 1848 (MSS. Inst. France). He says:

In its intercourse with foreign nations the Government of the United States has from its origin always recognized de facto governments. * * * It is sufficient for us to know that a government exists capable of maintaining itself, and then its recognition on our part inevitably follows.

So Mr. Clayton, Secretary of State, in a note to Mr. Donelson, July 8, 1849 (MSS. Inst. Prussia), says:

We as a nation have ever been ready and willing to recognize any government de facto which appears capable of maintaining its power.

The question was treated at length by Mr. Webster, Secretary of State, in a note to Mr. Hülsemann, December 21, 1850 (MSS. Notes, Germ. St.), in regard to the revolution in Hungary, which the United States had held itself in readiness to recognize had it been successful. He says:

It is the right of every independent state to enter into friendly relations with every other independent state. Of course, questions of prudence naturally arise in reference to new states brought by successful revolutions into the family of nations, but it is not to be required of neutral powers that they should await the recognition of the new government by the parent state. No principle of public law has been more frequently acted upon within the last thirty years by the great powers of the world than this. Within that period eight or ten new states have established independent governments within the limits of the colonial dominions of Spain on this continent and in Europe. The same thing has been done by Belgium and Greece. The existence of all these governments was recognized by some of the leading powers of Europe as well as by the United States before it was acknowledged by the states from which they had separated themselves.

Again the question of recognizing a foreign state as independent was carefully discussed by President Jackson in his message to Congress, relating to Texas, of December 21, 1836. He says:

The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such state has forcibly separated itself from another, of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties. All questions relative to the government of foreign nations, whether of the Old or New World, have been treated by the United States as questions of fact only, and our predecessors have cautiously abstained from deciding upon them until the clearest evidence was in their possession to enable them not only to decide correctly, but to shield their decisions from every unworthy imputation.

Mr. Seward, Secretary of State, in a note to Mr. Culver, November 19, 1862 (MSS. Inst. Venez.), declared that—

A revolutionary government is not to be recognized until it is established by the great body of the population of the state it claims to govern.

The policy of the United States in regard to this matter was again declared by Mr. Fish, Secretary of State, to Mr. Sickles, December 16, 1870. (MSS. Inst. Spain, Foreign Relations, 1871.)

It has been—

He says—

the policy of the United States to recognize the governments de facto of the countries with which we hold diplomatic relations. Such was our course when the Republic was established in France in 1848 and again in 1870 and in each case accepted by the French people. Such was our course in Mexico when the Republic was maintained by the people of that country in spite of foreign efforts to establish a monarchy by military force. We have always accepted the general acquiescence of the people in the political change of government as a conclusive evidence of the will of the nation.

Mr. Evarts, Secretary of State, in a note to Mr. Baker, June 14, 1879 (MSS. Inst. Venez.), discusses the question from the point of view of policy. He says:

The capacity of a state in itself for recognition and the fact of recognition by other states are two different things. Recognition is not an act wholly depending on the constitutionality or completeness of a change of government, but is not infrequently influenced by the needs of the mutual relation between the two countries. * * * In other words, while the United States regard their international compacts and obligations as entered into with nations rather than with political governments, it behooves them to be watchful lest their course toward a government should affect the relations to the nation. Hence it has been the customary policy of the United States to be satisfied on this point, and doing so is in no wise an implication of doubt as to the legitimacy of the internal change which may occur in another state.

From the extracts I have read I think the following conclusions may be drawn as to the principle adopted by the United States:

First. It is an absolutely well-established principle of international law that in regard to the recognition of a new state or government a neutral nation has but two questions before it: (*a*)

Whether or not the new state or government is de facto established sufficiently to be answerable for its international obligations, and (*b*) whether or not it accords with the dictates of national prudence and policy to recognize it. If these two questions are answered affirmatively, the neutral nation may recognize without in any way departing from the strict observance of neutrality. The question of right is never considered.

Second. The United States has throughout its history followed the above principle. It has always recognized de facto states and governments without the slightest regard to their origin or right, and the promptness of the recognition it has accorded to such de facto states or governments has been determined solely by questions of its national prudence and policy. Two extreme cases will illustrate this point. In the case of the revolution in Hungary the United States stood in readiness to recognize the revolutionary government before it was really established, and was only prevented from doing so owing to the fact that the revolution failed. Remonstrances were made by the diplomatic representatives of Austria, but there is no doubt that had the government of Kossuth ever been sufficiently successful to be recognized these remonstrances would have been of no avail, for they were powerless to prevent the President from taking all the preliminary steps to recognition. The fact was that the cause of Hungarian independence was extremely popular in the United States, and in addition the United States had nothing either to get or to fear from the Austrian Government. It therefore contented itself with remaining merely within the strict limits of neutrality as defined in international law.

In the case of the revolted colonies of Spain in South America, on the contrary, the recognition of the United States was delayed long after the time when the colonies were de facto independent and when hostilities had ceased on the part of Spain. The Spanish minister, Mr. De Onis, made constant complaints and protests to the Government of the United States in regard to supposed acts of assistance given to the revolted colonies by American citizens. All these complaints were carefully considered by the Department of State, and the Government preserved an absolutely inactive neutrality despite the sympathies of the people of the United States for the colonies and despite pressure from Congress. The reason of the delay was that, in the opinion of the Executive, it would have been contrary to the dictates of prudence and policy for the United States to have taken any action which might antagonize Spain in the condition of the country and the state of relations between the two nations at that time, for the United States was not then a strong power and the question of the cession of the Floridas was imminent. Therefore the United States construed the obligations of neutrality far more liberally in this case than in the case of Hungary, and was much slower to decide that the South American colonies were de facto independent. The same principle was maintained in both cases, but owing to questions of policy its application was widely different.

In other words, to repeat the proposition once more, the question of recognition is to be decided solely by the recognizing state on its own interests, wishes, and sympathies. All that is required in the recognized state is a de facto government in possession.

Such was the nature of the recognition of the United States by France. We had a revolutionary government. We had no constitution. The Articles of Confederation passed Congress just on the eve of the treaty of alliance, too late to have affected it in the slightest degree. France recognized the revolted colonies as an independent State when they had no constitutional government whatever, simply a revolutionary Congress sitting at Philadelphia. The attitude then taken by France is that which has been adopted by all nations, and by none more than the United States—that is, that it lies with the recognizing power to determine whether it is for her interest and in conformity to her sympathies and wishes to recognize the revolted state.

Now, Mr. President, as to the methods and time of recognition. The President has been given by the Constitution the power to receive foreign ministers and ambassadors. By the language of the Constitution that power is given to him alone. I think if we consider the nature of that duty we shall see at once that the makers of the Constitution were guided, as they universally were, by common sense and by their knowledge of the practice of nations. It was impossible in dealing with foreign relations, which, in the language of Hamilton in the Federalist, above all others require "secrecy and dispatch," to leave them to the slow and clumsy operation of a legislative body which must be called together perhaps in order to meet the exigency. An emergency in foreign relations may easily arise during a recess of Congress. It may demand the most instant action on the part of the Executive, an action which the entire country would deem of the utmost necessity. Such action would be absolutely impracticable and impossible if the Executive was obliged to wait until Congress could be summoned in extraordinary session in order to take some of the steps which must be taken without delay in the foreign relations of any great country. I conceive that to be the explanation of the very simple clause in the Constitution which gives the President the right to receive foreign ministers. He also has the right to nominate and with the advice and consent of the Senate to appoint ambassadors, ministers, and consuls. In other words, he has placed in his hands two methods of recognition, and on the principal method of recognition, that of receiving a minister from a state, there is no limitation placed whatever. The language of the Constitution, which I may properly repeat, is "the President shall receive ambassadors and other public ministers."

I wish next to review, historically, the action which has been taken in practice by the United States and the authorities in regard to recognition since the foundation of the Government. Mr. Curtis, in his great work of authority, the Constitutional History of the United States, volume 1, page 580, says:

> As the President was to be the organ of communication with other governments, etc.—

thus interpreting this passage of the Constitution to mean that all communications between the Government of the United States and foreign governments shall be made solely through the President.

In 1793 the question of recognizing the new French Republic, and whether or not the treaties with King Louis XVI were still binding, was discussed in the President's Cabinet, and there decided. A minister from the new Republic was accordingly received, and in view of the war between France and allied Europe a proclamation was issued by President Washington, in which he said:

> I have, therefore, thought fit to declare the disposition of the United States to observe the conduct aforesaid (friendly and impartial) toward those powers, respectively, and to exhort and warn the citizens of the United States.

In other words, our first President, Washington, conceived that he had the right to recognize the new French Republic by receiving her minister, despite the division of parties on the question, and despite the fact that we had binding treaties with the France of the old monarchy. He went even further, however, than this when he took the ground that he had the right as the Chief Executive to declare the neutrality of the United States in the situation that had thus arisen. I think, Mr. President, that the action of Washington as interpreting the constitutional right of the President is one of the most significant that we have, especially as it comes at the very beginning of our Government.

I ought to say that in the citations I am about to make on this point I am very largely indebted to two extremely valuable memoranda which were presented in 1898 by the Senator from Maine [Mr. HALE]. I have added one or two citations which seem to me of importance, but anyone who desires to see with the utmost minuteness what the practice has been in that respect should consult those two memoranda, which were printed as Senate documents.

The view taken by Washington of the constitutional powers of the Executive was strongly held by Mr. Ellsworth, a leading member of the convention which framed the Constitution, Senator from Connecticut, and afterwards Chief Justice of the United States, when, in the Senate on January 6, 1796, on the motion of Mr. Tazewell to strike out a complimentary reply to the French Republic, he said that—

> Nothing could be found in the Constitution to authorize either branch of the Legislature to keep up any kind of a correspondence with a foreign nation.

Early in the nineteenth century the revolutions in South America made the question of recognition a very immediate and pressing one. Soon after the conclusion of our war with England in 1815 John Quincy Adams, in his Diary, speaking of the Cabinet, says:

> That at the time the questions were proposed whether the Executive was competent to acknowledge the independence of Buenos Ayres, and, if so, whether it was expedient; that it had been concluded the Executive was competent, but that it was not expedient to take the step without the certainty of being supported in it by the public opinion, which, if decidedly favorable to the measure, would be manifested by measures of Congress.

Therefore the Cabinet of President Monroe, after full discussion, John Quincy Adams being Secretary of State, decided that it was competent for them to recognize the independence of a revolted state.

On the 11th of March, 1818, Vincente Pazos, representing himself as the deputed agent of the authorities acting in the name of the Republics of Venezuela, New Granada, and Mexico, presented to the House of Representatives, through the Speaker, a memorial complaining of "the occupation by the United States of Amelia Island." (Annals of Congress, first session, Fifteenth Congress, 1251.)

An animated discussion immediately ensued. Forsyth said:

> The question, then, for the House to consider was whether, when the Constitution has placed the conduct of our foreign relations with the Executive, a foreign agent shall be permitted to appeal from the Executive to this House. (Ibid. 1262.) The House by a vote of 127 to 28 refused to receive the memorial. (Ibid. 1268.)

At this same period, in the first session of the Fifteenth Congress, Mr. Clay, then Speaker, proposed to amend the appropriation bill under consideration by a clause appropriating $18,000 to defray the expenses of a minister to be sent to Buenos Ayres, the capital of the united provinces of the Rio de la Plata, at the discretion of the President. On this proposition there was much discussion in the House of Representatives during the month of March, 1818, and in the course of this debate one of the chief points under consideration was whether or not the House was competent to take any step tending to the recognition of a foreign nation before action had been taken by the Executive in the matter and whether it was justified in urging the Executive by any legislative act to take such action. In the course of discussing this point the following opinions were expressed by various Members of the House at different times.

Mr. Clay said that—

He was perfectly aware that the Constitution of the United States—and he admitted the proposition in its broadest sense—confided to the Executive the reception and the deputation of ministers. But in relation to the latter operation Congress had a concurrent will in the power of providing for the payment of their salaries. * * * There was great reason, Mr. Clay contended, from the peculiar character of the American Government, in there being a perfect understanding between the legislative and executive branches in relation to the acknowledgment of a new power. * * * If, contrary to his opinion, there were even a risk that the acknowledgment of a new state might lead to war, it was advisable that the step should not be taken without a previous knowledge of the will of the war-making branch.

Mr. Forsyth, opposing the amendment, contended that—

Heretofore the President and the Senate were left to the exclusive management of the foreign intercourse of the United States.

Mr. Smith, of Maryland, said:

The Constitution has given to Congress legislative powers, to the President the direction of our intercourse with foreign nations.

Mr. A. Smith, of Virginia, said:

The Constitution grants to the President, by and with the consent of the Senate, power to appoint ambassadors and public ministers and to make treaties. According to the usage of the Government, it is the President who receives all foreign ministers and determines what foreign ministers shall or shall not be received. It is by the exercise of some one of these powers, in neither of which has this House any participation, that a foreign power must be acknowledged. Then the acknowledgment of the independence of a new power is an exercise of Executive authority; consequently, for Congress to direct the Executive how he shall exercise this power is an act of usurpation.

Mr. Tucker, of Virginia, speaking after Mr. Smith, contended that the House had the right to express its opinion on every subject, but admitted by implication that the recognition of a foreign nation was, in effect, a constitutional power of the Executive, which, however, he held should be exercised in conjunction with Congress if such a recognition might lead to war.

Mr. H. Nelson, of Virginia, the next speaker, said:

When Washington saw cause to recognize the independence of France did he wait for the sanction of Congress to judge whether or not he ought to receive a minister from that Government? He did not. In every view the course proposed was not reconcilable with the usages of the country, and because it was not, and, in his opinion, transcending the constitutional powers of Congress, he was unwilling, on great principles, to adopt this measure.

Mr. Clay said:

But the gentleman from South Carolina [Mr. Lowndes] has told us that the Constitution has wisely confided to the executive branch of the Government the administration of the foreign concerns of the country. Has the honorable gentleman attempted to show (though his proposition be generally true and will never be controverted by me) that we also have not our participation in the administration of the foreign interests of the country when we are called upon in our legislative capacity to defray the expenses of foreign missions or to regulate commerce? * * * There are three modes under our Constitution in which a nation may be recognized—by the Executive receiving a minister; secondly, by its sending one thither, and thirdly, this House unquestionably has the right to recognize in the exercise of the constitutional power of Congress to regulate foreign commerce. To receive a minister from a foreign power is an admission that the party sending them is sovereign and independent. So the sending a minister, as ministers are never sent but to sovereign powers, is a recognition of the independence of the power to whom the minister is sent.

Mr. Poindexter, of Mississippi, following Mr. Clay, opposed the measure. He thought that the matter of recognition being an executive function the House should take no action except after a minister to a foreign power was appointed to decide whether or not it would appropriate money for his expenses.

Mr. Robertson, of Louisiana, said:

General Washington received a minister from France when a political war was waged against her by all Europe combined. He recognized that Republic * * *.

Mr. Spencer said:

I believe most firmly that we have the constitutional power to legislate on this and every other subject connected with our foreign relations or with the regulation of commerce. I hold it to be a power concurrent with that of the executive branch.

The amendment, after prolonged discussion, was finally rejected.

In February, 1821, Mr. Clay (the Speaker) introduced the following resolution in the House of Representatives:

That the House * * * will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said provinces (South American colonies of Spain).

This resolution is of course in itself an admission by the House of the President's power to recognize a foreign nation without consultation with Congress.

Mr. Clay and others supported the resolution on the ground of general policy, maintaining, also, that "so far from interfering with the Executive prerogative it was a fair exercise of the undoubted rights of the House." Other members opposed the resolution, maintaining that the matter was one wholly for the Executive to decide, and that the House should not attempt to goad the Executive to action.

Mr. Mercer, adverting to the supposed power of the President to recognize the independence of a government by receiving a minister, as well as by sending one, in which recognition the Senate would have no voice, said that—

It became this House to share a part of the responsibility which the Executive would incur by such a recognition. He doubted himself whether the President could recognize the independence of a foreign power by receiving a minister without the consent of the House.

Mr. Baldwin opposed the resolution on the ground that recognition of a foreign state should be made by all three branches of the Government and not by the President alone.

Mr. Brown said:

He believed the executive branch of the Government possessed of the constitutional power of performing those acts which would amount to a recognition.

Mr. Smith, of Maryland, opposed on the ground that the resolution "attributed to the President a power [that of recognition] too important to be exercised by any authority less than the three branches of the Government."

Mr. Clay, with respect to the mode of recognition of foreign powers, reviewed the various opinions which had been expressed at different times as well as to-day on this subject. He concluded that both Congress and the Executive had this power, but that the most regular, ordinary, and usual course was by the Executive, and it was therefore proper to assure him of the support of this House. That was the proposition Mr. Clay was trying to establish, but great as was his influence he failed to carry the House of Representatives with him on that theory at that time.

On January 2, 1819, the Cabinet of President Monroe considered the question of the power to recognize Buenos Ayres. Mr. Calhoun advised acting in concurrence with Great Britain, which was only possible through Executive action. Mr. Crawford advised sending a minister—

Because the Senate must then act upon the nomination which would give their sanction to the measure. Mr. Wirt added that the House of Representatives must also concur by assenting to an act of appropriation. And the President, laughing, said that as those bodies had the power of impeachment over us, it would be quite convenient to have them thus pledged beforehand.

Mr. Adams thought that the first minister should come from the country seeking recognition, and said:

As to impeachment, I was willing to take my share of risk of it for this measure whenever the Executive should deem it proper. And, instead of admitting the Senate or House of Representatives to any share in the act of recognition, I would expressly avoid that form of doing it which would require the concurrence of those bodies. It was, I had no doubt, by our Constitution, an act of the Executive authority. General Washington had exercised it in recognizing the French Republic by the reception of Mr. Genest. Mr. Madison had exercised it by declining several years to receive, and by finally receiving, Mr. Onis; and in this instance I thought the Executive ought carefully to preserve entire the authority given him by the Constitution and not weaken it by setting the precedent of making either House of Congress a party to an act which it was his exclusive act and duty to perform.

Mr. Crawford said:

He did not, however, deny, but admitted, that the recognition was strictly within the powers of the Executive alone. (Diary of J. Q. Adams, vol. 4, pp. 204-206.)

In 1833 Edward Livingston, a great lawyer and then Secretary of State, sent out a circular letter of instructions to the consular and diplomatic officers of the United States, which is as follows:

No. 18.] DEPARTMENT OF STATE,
Washington, March 23, 1833.

HENRY WHEATON, Esq.,
Chargé d'Affaires of the United States to Denmark.

SIR: It is observed that special communications from foreign powers intended for the Executive of the United States have been usually addressed to the President *and Congress* of the United States.

This style was introduced under the old confederation and was then perfectly proper, but since the Federal Constitution has been formed its inaccuracy is apparent, *the whole executive power, particularly that of foreign intercourse, being vested in the President.* You will therefore address a note to the minister for foreign affairs, apprising him that all communications made directly to the head of our executive government should be addressed "To the President of the United States of America," without any other addition.

You will, of course, observe that this relates solely to those communications of ceremony which are made from one sovereign to another—for example, notices of births, deaths, changes in government, etc.—and does not relate to the ordinary diplomatic intercourse, *which is to be carried on as usual through this Department.*

I am, respectfully, your obedient servant,

EDWARD LIVINGSTON.

President Jackson, in his message to Congress of December 21, 1836, said:

Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belongs the power of originally recognizing a new state; a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere especially delegated and only granted in the Constitution as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate

to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.

In the preamble to the resolution of the House of Representatives (the resolution referred to is as follows: "That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power") it is distinctly intimated that the expediency of recognizing the independence of Texas should be left to the decision of Congress. In this view on the ground of expediency I am disposed to concur, and do not, therefore, consider it necessary to express any opinion as to the strict constitutional right of the Executive either apart from or in conjunction with the Senate over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with the previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished.

On June 18 of the same year, and referring to the same matter of the independence of Texas, Mr. Clay, in a report from the Senate Committee on Foreign Relations (S. Doc. No. 406, 24th Cong., 1st sess.), said:

The recognition of * * * an independent power may be made by the United States in various ways. First, by treaty; second, by the passage of a law regulating commercial intercourse between the two powers; third, by sending a diplomatic agent * * * with the usual credentials; or, lastly, by the Executive receiving and accrediting a diplomatic representative from the power in question, which would be a recognition as far as the Executive only is competent to make it. In the first and third modes the concurrence of the Senate in its executive capacity would be necessary, and in the second in its legislative character.

The Senate alone, without the cooperation of some other branch of the Government, is not competent to recognize the existence of any power.

The President of the United States, by the Constitution, has the charge of their foreign intercourse. Regularly he ought to take the initiative in the acknowledgment of the independence of any new power. But in this case he has not yet done it, for reasons which he, without doubt, deems sufficient. If, in any instance, the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the republics formed out of Spanish America.

Together with this report a resolution was submitted to the Senate from the Committee on Foreign Relations that was as follows:

Resolved, That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power.

On July 1, 1836, this resolution being in debate in the Senate, Mr. Webster said he was willing to go so far as to vote funds to enable the President to send out a proper minister, but against a direct recognition he thought there existed strong objections, because it was the proper function of the President to take the lead in this matter.

In a debate in the House in the following year John Quincy Adams said (February 27, 1837) he objected to the proposition before the House on the ground that the act of recognition of a foreign power had heretofore always been an executive act of this Government. It was the business and duty of the President of the United States, and he (Mr. A.) was not willing to set the example of giving that recognition on the part of the legislative body without recommendation of the Executive.

In a note from Mr. Buchanan, Secretary of State, to Mr. Rush, on March 31, 1848 (MSS. Inst. France), we find the following language:

It was right and proper that the envoy extraordinary and minister plenipotentiary from the United States should be the first to recognize, so far as his powers extended, the provisional government of the French Republic.

A passage in President Polk's special message to Congress of April 3, 1848, also distinctly implies the power of the President, through his ministers, to recognize the existence of a foreign government. He says:

The prompt recognition of the new Government by the representative of the United States at the French Court meets my full and unqualified approbation, and he has been authorized in a suitable manner to make known this fact to the constituted authorities of the French Republic.

President Taylor, in his first annual message to Congress of December 4, 1849, says:

For this purpose I invested an agent then in Europe with the power to declare our willingness promptly to recognize her (Hungary) independence in the event of her ability to sustain it.

There a President authorized an agent to recognize the independence of a country contingent on the happening of some future event.

President Taylor again, in a special message to Congress, March 28, 1850, says:

My purpose, as freely avowed in this correspondence, was to have acknowledged the independence of Hungary had she succeeded in establishing a government de facto on a basis sufficiently permanent in its character to have justified me in doing so.

Thereby he clearly asserted his right as President of the United States to recognize the revolutionary government of Hungary without Congressional action of any kind.

In 1864 the House passed a resolution in regard to the attempt of France to set up the empire of Maximilian in Mexico. Mr. Seward writes that the French minister, having asked an explanation of the resolution, he inclosed it, with the statement that it "truly interprets the uniform sentiment of the people of the United States in regard to Mexico." He says, further:

It is, however, another and distinct question whether the United States would think it necessary or proper to express themselves in the form adopted by the House of Representatives at this time. This is a practical and purely executive question, and a decision of it constitutionally belongs, not to the House of Representatives, nor even Congress, but to the President of the United States.

Again, Mr. Seward, in a note to Mr. Dayton, of April 7, 1864 (MSS. Inst. France), says:

The question of recognition of foreign revolutionary or reactionary governments is one exclusively for the Executive and can not be determined internationally by Congressional action.

President Grant, in his second annual message, 1870, says:

As soon as I learned that a republic had been proclaimed at Paris, and that the people of France had acquiesced in the change, the minister of the United States was directed by telegraph to recognize it and to tender my congratulations and those of the people of the United States.

Still another precedent for the recognition of a foreign government by the President or officers appointed by him is found in a note from Mr. Fish, Secretary of State, to Mr. Sickles, December 16, 1870 (MSS. Inst. Spain, Foreign Relations, 1871):

Should there be circumstances which lead you to doubt the propriety of recognizing the Duke of Aosta as King of Spain, it will be easy to communicate with the Department by telegraph and ask instructions. Should there be no such circumstances, the general policy of the United States, as well as their interests in the present relations with Spain, call for an early and cheerful recognition of the change which the nation has made.

In 1876 the Republic of Pretoria sent us certain resolutions of congratulations on our centennial celebration of the Declaration of Independence. Congress passed a resolution of acknowledgment. It went to the President. Nothing could have been more harmless or have met with more uniform agreement. But on January 26, 1877, President Grant vetoed the resolutions on constitutional grounds (p. 1112). His veto message was referred to the Committee on Foreign Affairs and never reported therefrom. The President said:

Sympathizing as I do in the spirit of courtesy and friendly recognition which has prompted the passage of these resolutions, I can not escape the conviction that their adoption has inadvertently involved the exercise of a power which infringes upon the constitutional rights of the Executive. * * * The Constitution of the United States, following the established usage of nations, has indicated the President as the agent to represent the national sovereignty in its intercourse with foreign powers, and to receive all official communications from them, * * * making him, in the language of one of the most eminent writers on constitutional law, "the constitutional organ of communication with foreign states." If Congress can direct the correspondence of the Secretary of State with foreign governments, a case very different from that now under consideration might arise, when that officer might be directed to present to the same foreign government entirely different and antagonistic views or statements.

He vetoed, therefore, a mere resolution of acknowledgment, in response to a resolution from the Republic of Pretoria congratulating us on our centennial anniversary, and he did so upon the ground that the whole conduct of our foreign relations rested in executive hands and not even so slight an invasion of it as that could be permitted.

In a note to Mr. Christiancy, May 9, 1881 (MSS. Inst. Peru, Foreign Relations, 1881), Mr. Blaine, Secretary of State, says:

If the Calderon government is supported by the character and intelligence of Peru * * * you may recognize it as the existing provisional government.

And in relation to the same matter President Arthur, in his third annual message to Congress, 1883, says:

When the will of the Peruvian people shall be manifested I shall not hesitate to recognize the government approved by them.

Also the power of the President or officers appointed by him to recognize a new government is distinctly implied in a note from Mr. Frelinghuysen, Secretary of State, to Mr. Logan, March 17, 1884. (MSS. Inst. Chile.) He says:

The Department of State will not recognize a revolutionary government claiming to represent the people in a South American state until it is established by a free expression of the will of that people.

Thus, Mr. President, I have reviewed the action and the interpretations based upon that clause of the Constitution which authorizes the President to receive foreign ministers as a full and exclusive power of recognition by a series of Presidents and Secretaries of State. I now wish to call attention to the decisions of the Supreme Court and to the opinions of writers upon constitutional law.

By the act of February 28, 1795 (1, Statutes at Large, 424), Congress specially delegated to the President the power to decide whether a government organized in a State (of the Union) is the duly constituted government of that State, and this power of the President was reaffirmed by the Supreme Court in Luther *v.* Borden (7 Howard), the celebrated case growing out of the troubles in Rhode Island, known as the "Dorr rebellion." In that case, Mr. Webster, who appeared for the defendant in error, said:

How did the President of the United States treat this question? Acting under the Constitution and law of 1795, he decided that the existing government

was the one which he was bound to protect. He took his stand accordingly, and we say that this is obligatory upon this court, which always follows an executive recognition of a foreign government.

Webster made that statement in argument, and in the decision Chief Justice Taney, delivering the opinion of the court, said:

In the case of foreign nations the government acknowledged by the President is always recognized in the courts of justice.

Mr. President, it is pretty hard to go beyond that statement as a recognition by the Supreme Court of the power of the President to recognize foreign governments.

United States *v.* Hutchings (2 Wheeler's Criminal Cases, 543), in 1817, was a prosecution for piracy. The question arose whether at a certain date the Republic of Buenos Ayres was independent. Counsel argued that our independence began with the Declaration of Independence in 1776, and therefore that the independence of Buenos Ayres "commenced with their declaration of independence," was a matter of notoriety throughout the world, and was proved by certain correspondence between President Monroe and the Spanish minister. Chief Justice Marshall was of opinion—

That a nation became independent from its declaration of independence only as respects its own government and the various departments thereof. That before it could be considered independent by the judiciary of foreign nations it was necessary that its independence should be recognized by the executive authority of those nations; that as our Executive had never recognized the independence of Buenos Ayres, it was not competent to the court to pronounce its independence.

Here we have the decision of Marshall to add to that of Taney as well as to the statement of Mr. Webster in argument.

In United States *v.* Palmer (3 Wheat., 610, 634), arising two months later, the Chief Justice used language applicable to the legislative as well as to the executive department, and this is the only exception to the general rule above stated in regard to such cases.

Williams *v.* Suffolk Insurance Company (3 Sumn., 270, 273) involved the question whether the fisheries at the Falkland Islands belonged to Buenos Ayres. It was decided by Mr. Justice Story, whose remarks are of especial interest because he had discussed this very question in his commentaries on the Constitution, and had, according to the general plan of the commentaries, left it there an open one. He now said:

It is very clear that it belongs exclusively to the executive department of our Government to recognize from time to time any new governments which may arise in the political revolutions of the world; and until such new governments are so recognized they can not be admitted by our courts of justice to have or to exercise the common rights and prerogatives of sovereignty.

Mr. Justice Story further goes on to say that "this doctrine was fully recognized by the Supreme Court of the United States in Gelston *v.* Hoyt (3 Wheat., 246, 324)." In that case the opinion had been written by himself and used simply the word "government." The learned justice's interpretation of the opinion would indicate that whenever the word "government" had been used in this connection the executive department has been intended; and it is also noticeable that the case thus referred to was decided at the same term of court with the Palmer case above referred to; so that these remarks of Mr. Justice Story tend to confirm the inference which may be drawn from the Hutchings case, that the reference to the legislative department of the Government in the Palmer case was an inadvertence. We now can add Story to the authority of Marshall and Taney.

Williams *v.* Suffolk Insurance Company, above quoted, came up for review in the Supreme Court of the United States (13 Pet., 415). Mr. Justice McLean said (p. 420):

And there can be no doubt that when the *executive* branch of the Government, *which is charged with our foreign relations*, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department. And in this view it is not material to inquire, nor is it the province of the court to determine, whether the *Executive* be right or wrong. It is enough to know that in the exercise *of his constitutional functions* he has decided the question. Having done this under *the responsibilities which belong to him*, it is obligatory on the people and the Government of the Union.

In Kennett *v.* Chambers (14 How., 30) the question arose whether Texas was an independent government in September, 1836. Chief Justice Taney said (p. 46) that it "belonged to the Government" to decide when Texas became independent. He then refers to the President's message of December 22, 1836, as evidence that it had not yet become independent at that time, and says (pp. 50–51):

It is a sufficient answer to the argument to say that the question whether Texas had or had not at that time become an independent state was a question *for that department* of government exclusively *which is charged with our foreign relations.*

The department thus referred to is clearly indicated by its further characterization (p. 51) as "the treaty-making power."

The Prize Cases (2 Bl., 635) are not strictly in point, because they refer to domestic, not to foreign, difficulties. Mr. Justice Grier (p. 670), however, says:

Whether the President, in fulfilling his duties as commander in chief, in suppressing an insurrection, has met with such armed hostile resistance and a civil war of such alarming proportions as will compel him to accord to them the character of belligerents, is a question to be decided *by him*, and this court must be governed by the decisions and acts of the *political* department of the Government, to *which this power was intrusted.*

The italics are the court's own.

In the recent case of the United States *v.* Trumbull (48 Fed. Rep., 99, 104), referring to the late civil war in Chile, Judge Ross says:

It is beyond question that the status of the people composing the Congressional party at the time of the commission of the alleged offense is to be regarded by the court as it was then regarded by the *political or executive* department of the United States. This doctrine is firmly established.

In the *Itata* (56 Fed. Rep., 505, 510) the circuit court of appeals for the ninth circuit, speaking through Judge Hawley, said:

The law is well settled that it is the duty of the courts to regard the status of the Congressional party in the same light as they were regarded by the *executive* department of the United States at the time the alleged offenses were committed.

The law and practice as to appointing and receiving ministers and consuls has been elaborately set forth and discussed by Caleb Cushing (7 Op. of Attorneys-General, p. 242), who concludes:

Further, to show that this act can not be reasonably construed as intending to require the President to do what the Constitution, on considerations of public policy, has intrusted to the sole discretion of the Executive, may be mentioned the clause of the act which says, in words, that the President *shall* appoint a "consul" at Port au Prince. This, if done, would have the effect, according to international usage, of placing the Haytien Empire in diplomatic relation with the United States. It is not presumed that such was the purpose of the lawmakers; yet such is the necessary effect of the law, if the words "shall appoint" are mandatory in operation. If they are mandatory in any case they are in all; if not mandatory in one case, they are so in none. * * *

The President can, with concurrence of the Senate, appoint consuls at any place whatever, whether they be mentioned in the act or not.

I will now cite the writers upon our Constitution:

In W. Rawle's View of the Constitution of the United States, pages 195 and 196, is found the following in regard to the President's power of recognition of a foreign nation:

The power of receiving foreign ambassadors carries with it, among other things, the right of judging, in the case of a revolution in a foreign country, whether the new rulers ought to be recognized. The Legislature, indeed, possesses a superior power and may declare its dissent from the Executive recognition or refusal; but until that sense is declared the act of the Executive is binding.

The power of Congress on this subject can not be controlled. They may, if they think proper, acknowledge a small and helpless community, though with the certainty of drawing a war upon our country; but greater circumspection is required from the President, who, not having the constitutional power to declare war, ought ever to abstain from a measure likely to produce it.

Judge Story says, in his Commentaries on the Constitution (2 Story on the Constitution, secs. 1566 and 1567):

But a much more delicate occasion is when a civil war breaks out in a nation, and two nations are formed, or two parties in the same nation, each claiming the sovereignty of the whole, and the contest remains as yet undecided, flagrante bello. * * * The exercise of this prerogative of acknowledging new nations or ministers is, therefore, under such circumstances, an executive function of great delicacy, which requires the utmost caution and deliberation. * * * If such recognition is made it is conclusive upon the nation, unless, indeed, it can be reversed by an act of Congress repudiating it. If, on the other hand, such recognition has been refused by the Executive, it is said that Congress may, notwithstanding, solemnly acknowledge the sovereignty of the nation or party (citing Rawle). These, however, are propositions which have hitherto remained as abstract statements under the Constitution, and therefore can be propounded, not as absolutely true, but as still open to discussion if they should ever arise in the course of our foreign diplomacy. The Constitution has expressly invested the Executive with power to receive ambassadors and other ministers. It has not expressly invested Congress with the power either to repudiate or acknowledge them. * * *

That a power so extensive in its reach over our foreign relations could not properly be conferred on any other than the executive department will admit of little doubt. That it should be exclusively confided to that department without any participation of the Senate in the functions (that body being conjointly intrusted with the treaty-making power) is not so obvious. Probably the circumstance that in *all foreign governments* the power was exclusively confided to the *executive* department, and the utter impracticability of keeping the Senate constantly in session, and the suddenness of the emergencies which might require the action of the Government, conduced to the establishment of the authority in its present form. It is not, indeed, a power likely to be abused, though it is pregnant with consequences often involving the question of peace or war. And in our short experience the revolutions in France and the revolutions in South America have already placed us in situations to feel its critical character and the necessity of having at the head of the Government an *Executive* of sober judgment, enlightened views, and firm and exalted patriotism.

Clearly only the general plan of not deciding open questions in these commentaries was the learned justice's only reason for not more positively expressing dissent from the propositions of Mr. Rawle; and, as has already been shown, his views upon this point were in accord with those of Chief Justice Marshall as expressed upon the Hutchings trial in 1817. He refers also to the chapter on M. Genêt and the neutrality proclamation of 1793, in Marshall's Life of Washington, and all through that chapter it is clear that the Chief Justice agrees with Washington and his Cabinet in considering the recognition of a new government to be an Executive function.

Mr. Pomeroy is much more positive in the statement of his opinion. He says (Pomeroy's Constitutional Law, pp. 669, 670, and 672):

All foreign relations are thus confided exclusively to the President or to him in connection with the Senate. * * *

Of the unlimited extent and transcendent importance of this function thus confided to the Executive, either alone or in connection with the Senate, there can be no doubt. * * *

Congress may pass resolves in relation to questions of an international character, but these can only have a certain moral weight; they have no legal

effect; they can not bind the Executive. The necessity for this is evident; negotiations generally require a certain degree of secrecy; one mind and will must always be more efficient in such matters than a large deliberative assembly. * * *

The President can not declare war; Congress alone possesses this attribute. But the President may, without any possibility of hindrance from the Legislature, so conduct the foreign intercourse, the diplomatic negotiations with other governments as to force a war, as to compel another nation to take the initiative; and this step once taken the challenge can not be refused.

Mr. Wharton expresses his opinion in the following headnote: "Such recognition determinable by Executive." (Wharton's International Law Digest, 2d ed., p. 551.)

The number of instances in which the Executive has recognized a new foreign power without consulting Congress (because not anticipating consequences which made such consultation necessary) has been very great. No objection has been made by Congress in any of these instances. The legislative power has thus for one hundred years impliedly confirmed the view that the right to recognize a new foreign government belonged to the Executive; and if it is correct doctrine that the same power can not be exercised for the same purposes by two different branches of the Government, this implied approval is conclusive of the whole present controversy. (54th Cong., 2d sess., S. Doc. 56.)

I should like next briefly to call attention to what the United States, acting upon the principles just stated, has done in practice as to the time accorded before recognition was given and as to the manner in which recognition was given.

In the case of the French Republic of 1793, President Washington received Monsieur Genêt, and recognized the Republic in that way.

The President authorized the recognition of the Empire in 1804 through sending a new letter of credence to our minister. He recognized the monarchy of 1814 in the same way. When the Republic of 1848 was proclaimed on the morning of February 25, it was recognized by Mr. Rush, the American minister, on the 28th, three days later. That action was executive. It was within three days, and it was approved by the President. The second Empire was recognized in the same manner.

The Republic of 1870 was recognized by the Executive through our minister, Mr. Washburne, after an interval of two days. There was then no constitution established in France; it was a purely revolutionary government, and the Republic was recognized by us with the utmost rapidity. The telegrams are cited in the Senate document presented by the Senator from Maine [Mr. HALE] in the Fifty-fourth Congress.

When Brazil threw off the imperial rule, the minister telegraphed:

LEGATION OF THE UNITED STATES,
Rio de Janeiro, November 17, 1889.

The imperial family sailed to-day. Government de facto, with ministry, established. Perfect order maintained. Important we acknowledge Republic first.

ADAMS.

Mr. Blaine telegraphed to Mr. Adams:

DEPARTMENT OF STATE,
Washington, November 19, 1889.

You will maintain diplomatic relations with the provisional government of Brazil.

BLAINE.

Thus we recognized the new government within two days.

The Central American Federation was recognized by the President's reception of Mr. Canaz as envoy extraordinary in 1824. The Kingdom of Hawaii was recognized, in 1826, by Captain Jones, a naval officer, being sent there by the Executive to negotiate a treaty. The United States recognized the existence of Belgium by the issuance of an exequatur to the Belgian consul at New York—a purely Executive act. The President recognized Texas by sending Mr. La Branche as chargé d'affaires. Again, when the independence of Greece was recognized, it was an Executive act through our minister in London.

In the case of Hungary, to which I have already alluded, President Taylor sent an agent out to recognize Hungary the moment it could be said the revolution was in any degree successful. The recognition of the Republic of Haiti was an Executive act, as were the recognitions of the Republic of Liberia, the Dominican Republic, the Kingdom of Korea, the Empire of Germany, the Orange Free State, the Principality of Roumania, Servia, and the Kongo Free State. Costa Rica was recognized by the reception of a minister. Guatemala, Honduras, Nicaragua, Salvador, the Greater Republic of Central America in 1896, Bolivia, Ecuador, Paraguay, Peru, the Peru-Bolivian Confederation, Uruguay, Venezuela, New Granada, and the Kingdom of Samoa were all recognized by Executive act. In every instance it was a case of purely Executive recognition, almost all by the method of receiving a minister.

Mr. BACON. Will the Senator from Massachusetts permit me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Massachusetts yield to the Senator from Georgia?

Mr. LODGE. Certainly.

Mr. BACON. Does the Senator from Massachusetts claim that that is an Executive function exclusively?

Mr. LODGE. To receive a minister?

Mr. BACON. No, sir; to recognize the independence of a nation.

Mr. LODGE. I do not think it has ever been done in any other way. My own impression is that it can only be done by the methods which are confined to the Executive.

Mr. BACON. That was a preliminary question to the one I now ask the Senator. Did not the Senator himself vote for the resolutions which recognized Cuba as a free and independent country?

Mr. LODGE. No, Mr. President; I voted to strike out that clause.

Mr. BACON. Did not the Senator, after he failed to strike out that clause, vote for the resolution?

Mr. LODGE. I think I probably did, Mr. President.

Mr. BACON. In that case, then, the Senator did not hold to the opinion which he now expresses.

Mr. LODGE. I certainly did not, Mr. President.

Mr. BACON. The Senator took action which was in conflict with that which he now asserts to be the fundamental law of this country.

Mr. LODGE. That clause, however, if the Senator remembers, went out of the resolution.

Mr. BACON. I beg the Senator's pardon.

Mr. LODGE. Certainly, the recognition of the Republic of Cuba was stricken out from the resolution as passed.

Mr. BACON. I am not speaking of republics particularly, but of the recognition of states.

Mr. LODGE. Oh, I thought the Senator asked me if I voted for the recognition of the Republic of Cuba. No; I voted against that clause.

Mr. BACON. I asked the Senator if he did not vote for the resolution which declared that Cuba was of right free and independent.

Mr. LODGE. We declared, I think, that the people of Cuba were of right free and independent, but I think we distinctly refused to recognize the Republic.

Mr. BACON. Exactly. But, then, the question is as to the recognition of the independence of a country and not the recognition of the particular form of government which may be set up in it.

Mr. LODGE. Of course.

Mr. BACON. That is the important fact; whether or not a country has become independent by reason of its severance from the parent country and the establishment of a new sovereignty.

Mr. LODGE. The question is as to the recognition of an independent state, the test being whether it has a de facto government in possession.

Mr. BACON. Then, if I understand the Senator correctly, his position is this: That it is the function of the executive department to recognize the particular government which may be established, and that it is the function of the legislative department of the Government to recognize the fact of independence. Am I stating the Senator's position correctly?

Mr. LODGE. No, Mr. President; the Senator does not understand me to say anything of that kind. He may understand me to say so, but I did not say so.

Mr. BACON. Of course I may have misunderstood the Senator's language in that regard; but I understand that when I asked the Senator whether he voted for the resolutions, the Senator replied, "Yes; but those resolutions did not recognize the Republic of Cuba. They simply recognized the independence of Cuba."

Mr. LODGE. Not at all.

Mr. BACON. And it was upon that statement that I predicated the question whether the Senator differentiated those two functions.

Mr. LODGE. Mr. President, we did not recognize the independence of Cuba. In those resolutions, borrowing the phraseology which is very familiar to us, I think we put it that "the people of Cuba are and of right ought to be free and independent."

Mr. BACON. Is not that recognizing the independence of Cuba?

Mr. LODGE. They recognized that the people of Cuba are and of right ought to be free and independent.

Mr. BACON. Certainly. Therefore I am not incorrect in the statement that the Senator by that act recognized that it was a function of the legislative department to recognize the independence of a country.

Mr. LODGE. Not at all, Mr. President. We expressed, as a matter of opinion, in the resolutions that we sent to the Executive, that under the then existing condition of facts those people were of right and ought to be free and independent.

Mr. BACON. Is not that recognizing their independence?

Mr. LODGE. We had no means of recognizing the state of Cuba, and there was no state of Cuba to recognize.

Mr. BACON. I am not speaking of that.

Mr. LODGE. I have been trying to talk about the recognition of a state and a government——

Mr. BACON. And I was trying to get at what was the exact meaning of the Senator, and therefore I asked him the question whether or not in voting for the resolution with reference to Cuba he did not recognize it as a function belonging to the legislative department to recognize the independence of the people, if you please, and he restricted the right to recognize the particular government which might be set up to the executive department.

Mr. LODGE. I think very likely I voted, Mr. President, that the Congress of the United States could join with the President in recognizing the freedom and independence of those people.

Mr. BACON. That is what I wanted to find out from the Senator.

Mr. LODGE. I think it probable that I did. If the Senator finds any satisfaction in discovering any inconsistency there, I am delighted. If it pleases him, it does not trouble me at all.

My proposition, therefore, as to the recognition of a state and government, is that it is primarily and may be, as has always happened, an exclusively Executive function. The precedents are uniform to a most extraordinary degree. The position has been held by every Secretary of State, I think, without exception; it has been held by the Supreme Court in the cases I have read that the Executive recognition is the only recognition admitted by the courts, and I do not think it is possible to go beyond that.

The other method of recognition in the Constitution is by the clause which gives the President the right to nominate ambassadors, ministers, and consuls. Recognition has almost invariably occurred in what Mr. John Quincy Adams pointed out to be the best and most proper way—the reception of a minister from the state seeking independence—but the power of the President to nominate a minister where no such office had been created by Congress and which, therefore, implies his ability to recognize in that way, has been established beyond a doubt. I have heard the right of the President to nominate a minister to Panama questioned because no such office had been created by Congress, and I thought it would not be amiss to call the attention of the Senate to the practice in that respect.

On December 22, 1791, President Washington sent a message to the Senate nominating Gouverneur Morris, Thomas Pinckney, and William Short as ministers to Paris, London, and The Hague, respectively. There were no provisions of law for any such officers. Various motions declaring that there was no need for these missions were debated and were rejected, and the nominations of Morris and Pinckney were confirmed. A similar motion was made that there was no occasion for a minister to The Hague, and that was postponed until the following Monday, when it was taken up and defeated, and immediately after the nomination of a minister to The Hague was confirmed.

On the 16th of April, 1794, Washington nominated John Jay as envoy extraordinary to Great Britain. Mr. Pinckney was minister plenipotentiary, but he was not envoy extraordinary, which office did not exist. President Washington therefore nominated Mr. Jay to an office which had no existence. He was confirmed by the Senate.

On the 6th of February, 1799, John Adams nominated Rufus King minister to Russia. No such office existed. He said in the nominating message that it was to open relations with Russia. No action was taken, and the Russian mission was not established until 1809, I think, when Mr. John Quincy Adams was sent.

On the 29th day of May, 1813, Mr. Madison nominated a minister to Sweden to open diplomatic relations with that country. No such office had been created by Congress.

John Adams sent in the names of Ellsworth and Patrick Henry to be commissioners to France in conjunction with William Vans Murray. No such offices existed.

On the 11th of January, 1803, Jefferson nominated Livingston to negotiate with France and Charles Pinckney to negotiate with Spain in conjunction with Monroe. No such offices existed.

Until Mr. Madison's second term appropriations for the diplomatic service were made in a lump sum, and Congress thus left it for many years to the Executive to appoint ministers when he pleased without ever taking any action which could be construed as the creation of any one of these offices.

Of course, Mr. President, with the extension of our diplomatic service cases of nominating to offices for which there is no appropriation have practically disappeared, but the cases which I have cited—of Washington, John Adams, and Madison—show that the men most familiar with the Constitution in its early days conceived that they had an entire right to nominate a minister to a country where there was no provision for a mission made by Congress and that the Senate in all instances confirmed those nominations just as if a specific appropriation had been made, thereby recognizing the right of the President. It is a method by which recognition could be extended. It is a method which, in practice, has not lately been used at all for that purpose, because very naturally the reception of the minister or ambassador of the state seeking recognition has been the obvious way to meet it.

Mr. President, I have tried to lay down the general international law; I have tried to show the general practice of the Government of the United States and the precedents which we have in regard to it. Having shown, as I believe, that all the authorities hold that recognition is an executive function which can not be invaded or diminished by the legislative body, that whatever dangers it may carry the Constitution has placed it in executive hands, I now come to the exercise of that right in the present case of Panama. The right of the President to recognize being demonstrated by law and precedent, I wish to inquire whether that undoubted right has been properly exercised in this particular case.

In section 4 of the act approved June 28, 1902, which provided for the construction of the canal, occur these words:

> That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, etc.

In other words, the President was instructed by that act to secure a right of way through a given piece of territory with a view to building a canal. It was entirely secondary and of no vital importance to whom that territory belonged. At that time that territory was within the boundaries of the Republic of Colombia, and Colombia sought to make a canal treaty with us. If Senators will turn to page 18 of Senate Document No. 51, Fifty-eighth Congress, they will see there a letter from Mr. Hay to Mr. Beaupré, in which he says:

> The canal negotiations were initiated by Colombia, and were energetically pressed upon this Government for several years. The propositions presented by Colombia, with slight modifications, were finally accepted by us. In virtue of this agreement our Congress reversed its previous judgment and decided upon the Panama route.

In other words, the treaty was sought by Colombia, had been sought by Colombia for years, and was made with Colombia on the terms she asked, with comparatively slight modifications. The treaty was dated the 22d of January, 1903. As to the character of the treaty, which is fresh in everybody's mind, I need only say that the sole objection that I heard made to it in the Senate—and that sole objection was made at considerable length and during a pretty long period of time—was that we went a great deal too far in what we conceded to Colombia. Therefore Colombia sought the treaty; she got the treaty; she got what she asked, with trifling modifications, and she got concessions which it was very difficult for many of us to accede to, and which only the universal desire for the building of the canal made it possible for us to accept.

Now, what was the treatment of that treaty by Colombia? I wish to call attention——

Mr. DANIEL. Will the Senator from Massachusetts allow me to interrupt him for a moment?

Mr. LODGE. Certainly.

Mr. DANIEL. Before the Senator speaks on that subject, I should be very glad if he would state whether or not the Department of Panama took part in that action of Colombia, and, if so, what part?

Mr. LODGE. I will answer the question in one moment.

Mr. DANIEL. I have seen it stated that one or more of the revolutionary consuls of Panama took part in the action of the Colombian Congress, but I have not been able——

Mr. LODGE. The Senator means in the Congress which discussed the treaty?

Mr. DANIEL. Which discussed and rejected the treaty.

Mr. LODGE. I have analyzed that very carefully and will show the Senator from Virginia exactly what the representatives of Panama did.

Mr. DANIEL. I wish the Senator would do so.

Mr. LODGE. When the treaty reached Bogota, Colombia, as I think I shall be able to show by the extracts I shall read from Mr. Beaupré's correspondence, from the beginning sought to extort more money from the United States and from the company, and it will appear also that the feelings of Panama found very early expression. Mr. Beaupré, whom I know only from this correspondence which has been sent to the Senate, appears to me to have been a man of great clearness of vision, great firmness, and great tact. I think the correspondence does him the utmost credit, and I think anyone who will read it will agree with me on that point.

On page 7 of his correspondence, on April 24, 1903—see how early that was—he says to Mr. Hay:

I have the honor to refer to your telegram of the 7th instant, confirmed elsewhere, in regard to the negotiations for the cancellation of the present concessions of the Panama canal and railroad companies.

Now, in the first article of that treaty, as he points out in the letter of April 28—

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or parts of shares of said company.

In other words, the very first thing that Colombia did after the treaty had been ratified by our Senate was to try to destroy and annul the concessions which in that treaty she agreed should be continued to the Panama Canal Company. It was clearly in violation of the treaty which her own representatives had signed.

On the 4th of May Mr. Beaupré writes to Mr. Hay:

Private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate; that a much greater sum of money can be obtained, and that the United States can be obligated to guarantee the sovereignty of Colombian ports outside the Department of Panama against the invasion or seizure by foreign enemies. The one great determining point, however, is the belief that the price can be greatly augmented.

That was on May 4. They were trying already to get more money out of it.

Now, on the 7th of May—and this is the first allusion to what the Senator from Virginia asked me—he says:

The probabilities are that when the measure is presented to Congress there will be a lengthy debate and an adverse vote. Then the representatives of the coast departments of the Cauca, Panama, and Bolivar will ask for a reconsideration, and urge a ratification of the convention as the only means of preventing the secession of those departments and the attempt to constitute of their territories an independent republic.

As early as the 7th of May, therefore, the representatives of Panama were giving it to be understood at Bogota that if the treaty were not ratified it would lead to the secession of the State which they represented.

On page 22, June 10, Mr. Beaupré says:

Mr. Mancini, the local agent of the Panama Canal Company, has informed me that he had received an official note from the Colombian Government, stating that it did not think that the convention would be ratified because of the opinion that the compensation was insufficient, but that if the canal company would pay to Colombia about $10,000,000 ratification could be secured. Mr. Mancini has notified his company of this note.

Then they were trying, as was obvious, to squeeze the company. They sent to the agent of the French company and said they wanted ten millions from them.

On page 26, June 20, at 5 p. m., when the extra session had convened, Mr. Beaupré telegraphed:

Extra session of Congress convened to-day. Joaquin Velez, president of the Senate; José Medina Calderón, president of the Chamber of Representatives. The President's message deals with canal convention as follows: "To my Government has been presented this dilemma: either it lets our sovereignty suffer detriment or renounces certain pecuniary advantages, to which, according to the opinion of many, we have a right. In the first case to consent to the sacrifice of our sovereignty and not aspiring to great indemnification, the just wishes of the inhabitants of Panama and other Colombians would be satisfied if the canal were opened, but the Government would be exposed to the charge afterwards that it did not defend our sovereignty and that it did not defend the interests of the nation.

That is, the President, who had caused the treaty to be made, sends in a message in which he vibrates between the two propositions, that there is doubt about their right to cede territory, and, on the other hand, that there are great pecuniary advantages; and he transmits this treaty which he had caused to be made, with that shuffling message, to the Congress called to consider it.

Mr. Beaupré says on June 20:

As I have heretofore predicted, there is a full and ample majority of the friends of the Government in both houses of Congress, and such legislation as the Government may seriously desire will be enacted.

The Government itself, which had made the treaty and had the power then, Mr. Beaupré says, to have passed it, subsequently had excited so much feeling against it and against themselves that all action became hopeless. But at that time they had the power, and the Government that had made the treaty was holding back in the hopes of getting more money out of us or more money out of the canal company. Their constitutional scruples, which now play so large a part, were then only used for purposes of blackmail, and would have disappeared at once before the offer of a few extra millions. It is altogether a pretty picture of a responsible government supposed to be fit to maintain international relations.

June 27 our minister says again:

Friends of the Government have control in Congress. I believe any legislation seriously desired by the Government will pass.

That was brought to a test. He telegraphed on the 25th:

Opposition Chamber of Representatives opened canal discussion yesterday demanding documents relating to the treaty. The Government objected because it was not ready to present the treaty. The Government was sustained; vote 38 to 5.

That shows the control which the Government had at that time.

Now, again, I come to a passage which will throw light on the question which the Senator from Virginia has asked me. Mr. Beaupré writes on July 5, and, after acknowledging the receipt of a cipher telegram, says:

This and the statement of just-arrived members of Congress from Panama that this Department would revolt if the treaty is not ratified caused alarm, and the effect is favorable.

He means favorable, of course, to the ratification of the treaty.

Again, he writes on the 9th of July that he has been asked by a gentleman, evidently of importance, whose name is not given, if the payment can not be increased to $15,000,000. He says on July 11:

The majority in the Senate are opposed to treaty. Apparently the Government—

The Government that made it—

is not defending the treaty, although it may intend to later.

He further says on July 11:

Ex-President Caro has been the leader of the opposition in this debate and has made many brilliant speeches. He has charged the Government with lack of good faith and consistency, both to the United States and Colombia, in not defending a treaty of its own making and for endeavoring to throw the whole responsibility upon Congress.

Thus we learn that the opposition had pictured this attitude, this discreditable attitude, of the Government which had made the treaty, which would not take responsibility for it, which would not carry it through, although it had the majority, but was holding back evidently with the hope of getting more money out of somebody. That was openly charged in the debate. Our minister says again:

The Vice-President—

That is, Marroquin, who was acting as President and who had caused the treaty to be made—

has positively declined to sign, and if the motion as presented should prevail and he still refuses his signature, the Senate will not consider the treaty at all, and in all probability Congress will be dissolved.

On the 21st of July he says:

The Government has continued to triumph on every important question.

Now I come to a passage to which I ask the careful attention of the Senate, inasmuch as we are considering the good faith of the people with whom we had these dealings and what sort of treatment they are entitled to from us. Mr. Beaupré, July 21, said:

I have certain, but private, information that Doctor Uricoechea, a member of the special Senate committee heretofore referred to, and who lived a great many years in Germany, called on Baron Grünau, the German chargé d'affaires, to inquire what would be the attitude of the German Government in case of trouble arising out of the matter, and whether it would be willing to undertake or aid the construction of the canal in case the treaty with the United States should not be ratified. Baron Grünau replied that he had no instructions bearing upon the subject, but that he was of the positive opinion that, considering how desirous his Government was at the present moment to remain on friendly terms with the United States, it would not take any steps with reference to the construction of the canal or to any controversy growing out of the present negotiations; that he would, however, submit the matter to his Government.

My English colleague, with whom I have the most pleasant personal relations, and whose attitude I know has been one of unswerving friendliness to our interests in this matter, informs me—

This is direct—

that one of the deputies of the Chamber of Representatives called on him with an inquiry similar to the one above mentioned. To this he replied that this question was thoroughly considered by His Majesty's Government at the time the modifications were made in the Bulwer-Clayton treaty, and that his Government was of the opinion that the safeguards contained in the Hay-Pauncefote arrangement formed a sufficient guaranty for the commerce of the world and was therefore willing now to leave the United States quite free as regards any further negotiations with reference to the construction of a canal.

There they were, Mr. President, members of the House and the Senate of Colombia, seeking to make arrangements with Germany or England, trying to discover if Germany or England was ready to make arrangements to build that canal in case they rejected the treaty with us, and these are people whose very existence depends upon the maintenance of the Monroe doctrine which we uphold, who are defended by the shield we throw over them. At that very moment, with our treaty pending, these honest patriots were sneaking up to two of the great powers of Europe, fortunately our friends, fortunately awake to the situation and its conditions, and inviting them to come into the American hemisphere and build the canal. Those are the people who would now ask consideration at our hands.

Mr. President, I do not know that it is necessary for me to follow out the history of the amendments which were proposed in the Colombian Congress. They all ended practically in a demand by these patriots for more money. But on August 12 the Senate rejected the treaty and Mr. Beaupré says:

Referring to my telegram of August 12, 7 p. m., I do not believe that rejection of treaty is final, for the following reasons: Yesterday's debate and vote was undoubtedly previously arranged.

In other words, it was a step—a trick, if you please—to try to extort further concessions from us.

I come now to another passage which again throws light on the question asked by the Senator from Virginia. Mr. Beaupré says that there is nobody supporting the treaty; that its support has

failed; that the Government has retreated from its position and hostility to the Government is growing. Then he adds:

Even the Panama representatives have lately become so thoroughly imbued with the idea of an independent republic that they have been more or less indifferent to the fate of the treaty.

On September 5 he wrote that the committee had reported a law by which they authorized the President to open new negotiations, in which they were to ask for an increase all around of rental and $20,000,000 from the United States.

On September 10 he speaks of the appointment of Obaldia as governor of Panama, and says:

Fierce attack to-day in the Senate upon the appointment of Obaldia as governor of Panama. The appointment is regarded as being the forerunner of separation.

Obaldia was supposed to be very friendly to Panama.

Of several Senators who spoke, only the son of the President defended the action of the Government.

Resolution passed by almost unanimous vote, which is equivalent to vote of censure against the Government.

That censure upon the Government was for appointing a man whom they thought friendly to the separatist movement in Panama.

Again he says, on the 11th of September:

SIR: I have the honor to report that events of interest have taken place in connection with the appointment of Senator Obaldia to the post of governor of the Department of Panama.

Senator Obaldia's separatist tendencies are well known, and he is reported to have said that, should the canal treaty not pass, the Department of Panama would declare its independence, and would be right in doing so.

That was a senator speaking at Bogota; and yet people hold up their hands and say the revolution in Panama was a surprise.

At yesterday's session of the Senate the feeling of opposition to Señor Obaldia's appointment was given expression by a resolution proposed by Senator Perez y Soto, to the effect that—

"The Senate of the Republic can not see with indifference the appointment which has been made for the post of governor of the Department of Panama, which it regards as a menace to the safety of the Republic."

That shows that the matter was thoroughly under discussion at that time.

On the 30th of September our minister writes:

It is said, and generally believed in this city, that there is a project on foot among certain Senators to annul the arrangement entered into by the Colombian Government and the French Canal Company in 1900, extending the franchise and privileges of that company.

Now, Mr. President, I think the extracts which I have read show the manner in which the Congress of Colombia dealt with this treaty, made at their solicitation and carrying not only the concessions they wanted, but also a great sum of money for the benefit of their people. I think it is a pretty sorry picture, this description of the manner in which our treaty was dealt with at Bogota. Their actions resemble those of irrational highwaymen much more than responsible public men of even indifferent honesty.

It also comes out from this correspondence that back in May, before the Congress met, there was already talk in Bogota of a revolution and of the secession of Panama; that it was openly spoken of by the representatives of Panama when they arrived; and that later they became so imbued with the idea of independence that they were indifferent to the fate of the treaty, because they preferred to seek their own independence.

All these facts were matters of notoriety in the Colombian capital. The Colombian President and Congress did not conceal their attempt to extort more money, and they did not hesitate to make approaches to the representatives of European nations to see whether they could make a bargain with them. If those performances, Mr. President, constitute the serious acts of a serious and honorable government, or of a government acting in good faith, then I am very much mistaken in my judgment of what constitutes honor and good faith in governmental action.

Mr. President, I desire to call attention now to the feelings and the attitude of Panama. I want to show to the Senate that the revolution, about which Senators speak as if it were the creation of a moment, represents not only the preparations of months, but that it expresses the feelings and the hostilities of years. I am going to read from a speech made by the Senator from Alabama [Mr. MORGAN] on the 20th of December, 1902. I could not hope myself to put in better or in such eloquent language the feelings of the people of Panama toward the Government of Colombia. The Senator then said:

They remember what the people of Panama can never forget—that their State, once sovereign and independent, was the first State of this hemisphere, after the United States of North America, that achieved their independence and sovereignty.

Neither can they forget that the church party has stripped that badge of honor and power from their national flag and has reduced Panama to a department of Colombia, ruled by a governor appointed at Bogota. It is as if Ohio should be reduced to the former condition of a part of our Northwestern Territory. Above all, they can not forget the degrading bondage of the concordat that the church party in Colombia has forced upon them in the agreement of 1888 with Pope Leo XIII. While memory of these events lasts in Panama peace will have only a precarious and temporary residence there.

These thoughtful men know that agitation in Panama will be incessant to enlarge the canal concession we may obtain from Colombia into a bond of union with the United States, and no occasion that promises success will be overlooked to promote and intensify that feeling; and they know that even the security of the canal property will be made a reason why the United States should accept the annexation of Panama as a measure of necessity. This is not a new thought or an abandoned hope in Panama. I dread the thought of placing such a temptation, so lit up with the hopes of restored liberty, honor, and sovereignty, before those people, unless they could be again realized in their separate independence.

If Panama could be again restored to her sovereign independence, I would hail the event with joy, but I will not consent to an agreement with Colombia that may drive Panama into our Union to escape her present bondage to Colombia.

Above all else, we should be careful and entirely frank in our dealings with Colombia. The belief or the pledge that we will even aid her actively in fastening upon Panama the fetters of the concordat of 1888 or in maintaining her hold on Panama against the will of her people, if they choose to throw it off, will prove to be a mistake that may deceive Colombia, for our people will not sustain us in supporting such a pledge.

Our people will never aid Colombia in the infliction of wrong and injustice upon the people of Panama at the will and pleasure of that Government, and this appears to be the pledge we are asked to give. They will never extinguish or prevent the rekindling of the light of liberty, independence, and sovereignty in that once brilliant star that has been stricken from the galaxy of American republics by the fratricidal hand of Colombia. A casual concession offers no temptation to the people of the United States for an act that is so unnatural.

It would be a far better use to make of the $40,000,000 we are asked to pay the Panama Canal Company for a title that is a mere possession of a property they are anxious to get rid of to pay $30,000,000 of it to Colombia for the restoration of Panama to independence and $10,000,000 to Panama for the concessions claimed by the New Panama Canal Company. The French could then work out their concession, if they wish to do so, and if they can get the money, or, if not, they could forfeit it to the United States.

* * * * * * *

When the treaty of 1846-1848 was made Panama was a State with sovereign powers. Now she is a department of Colombia, and that treaty has made the United States accessory to her degradation. I can never vote for its renewal. To pledge the protection of Colombia in her sovereignty over one of her departments, without restriction as to any abuses of power over those people, is to bind our country to assist Colombia in any policy she may choose to adopt toward them. It is not a pledge of protection to Colombia against foreign aggression, but a pledge of assistance to that Government against any resistance by the people of Panama to any policy or law Colombia may choose to impose upon a people who are already degraded in their political rights from the proud position of sovereign statehood to that of a mere department that is governed from Bogota.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. Certainly; with pleasure.

Mr. MORGAN. I have no word in that statement to change—no sentiment, no thought, no word. I have not changed it, and I do not propose to change it.

Now, may I ask the honorable Senator from Massachusetts, did he not vote to put back on Panama those very bonds against which I was declaiming?

Mr. LODGE. I voted for the treaty with Colombia.

Mr. MORGAN. Did it not do that very thing?

Mr. LODGE. I did not think so.

Mr. MORGAN. Was it not an exact repetition of the treaty of 1846, word for word, with an addition applying it particularly to certain special localities in Panama? So the Senator reads that for the purpose of reproaching me, I suppose, for a change of opinion—an opinion that I have not changed in the slightest degree.

I will ask the Senator again, is he now willing to take that $40,000,000 that these condemned felons in France are to get from us and pay Colombia for Panama?

Mr. LODGE. No, Mr. President; I am not willing that the United States should break any agreement it has made.

Mr. MORGAN. The United States has no agreement to-day with the Panama Canal Company, so that we are as free as the wind with respect to an agreement. Now, is the Senator, in the absence of any agreement with Panama, willing to pay Colombia that $40,000,000 which we propose to pay to the Panama Canal Company and buy the peace of Colombia toward the United States and toward Panama?

Mr. LODGE. I am not willing to take money which I honestly think should be paid to the Panama Canal Company for its property rights there and give it to anybody else.

Mr. MORGAN. I understand it all now. I am glad I got the reply.

Mr. LODGE. I did not read that quotation for the purpose of charging the Senator either with consistency or with inconsistency. I do not think that matters of consistency or inconsistency—"the bugbear of weak minds"—are of much importance or consequence. I read it because it was an extremely strong statement of the feelings of the people of Panama, showing that those feelings were the growth of years and because it alluded to Panama's constitutional relations with Colombia, which I now wish to touch upon.

In 1819 Colombia was included under the constitution of Bolivar, and had all the territory now occupied by Colombia, Ecuador, and Venezuela.

In 1830 Colombia separated into New Granada, Venezuela, and Ecuador, and the constitution of 1832 was formed. That was the constitution of New Granada.

There was a new constitution of New Granada in 1843. Article 232 of that constitution makes secession an act of rebellion, and it

was due to the revolt of certain provinces, including Panama, in 1840. This was amended by Congress in 1855 by a law making Panama a federal state, sovereign in itself, and dependent on the Government of New Granada only on certain points. Other States followed, and New Granada became practically a federated republic. This resulted in the constitution of 1858, which recognized the sovereignty of the several States, and the name was changed to the Granadine Confederation. That is the last constitution to which Panama ever gave its assent.

Then followed a liberal revolution in 1860 against the election laws, which was conducted under General Mosquera and based upon the sovereignty of the States. There was then a pact made at Cartagena to form the United States of Granada, and in 1861 the name was changed to United States of Colombia by the further pact of Bogota. In 1862 the liberal revolution was completely victorious, and in 1863 a new constitution was made by the "plenipotentiaries of the States," as they were called. Article 93 of that constitution provided that this constitution should take effect only on unanimous ratification of State deputations, and if any State refused to ratify it should not be binding. The result was an "organized anarchy," and the constitution which was imposed simply by the party victorious in war and never had any complete assent was followed by constant revolts and insurrections, especially on the Isthmus.

In 1884 Rafael Nunez seized the Government as a dictator and suspended the constitution of 1863. He had delegates from the nine States called to council, and in 1885 the council passed a resolution for a convention to frame a new constitution subject to the ratification of the people of the State. In 1886 the new constitution was adopted annulling the constitution of 1863. It was the exact reverse of the constitution of 1863 and centralized power entirely. It took away the autonomy of the States, and was never submitted to the popular vote. The constitution of 1886 has been suspended and inoperative since 1900. The last constitution accepted by Panama was in 1858. When her constitutional relations are considered, I think it is well to bear that little bit of constitutional history in mind.

Mr. MORGAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield?

Mr. LODGE. With pleasure.

Mr. MORGAN. If the Senator will allow me a question, does he think that the constitutional duty of Panama is any less toward Colombia than it was when she was a free, sovereign, and independent State, after she had been denationalized, broken down as a State, and reduced to a department?

Mr. LODGE. As a matter of constitutional law, I do not think it makes a particle of difference in considering this question, for I consider under any constitution her separation from Colombia as an act of revolution. I merely put that statement in in order to show what her actual constitutional position was, as I understand it.

Mr. MORGAN. The Senator's remark was a very painful reminder to me of the fact that after the civil war had closed and politicians got hold of the destinies of the country Alabama was forced, before she could receive any right of representation on this floor, to pass a constitution that renounced her well-cherished and well-established doctrine of the right of secession. We gave it up. Other States in the Union were not required to do that. The State of the Senator from Massachusetts was not required to yield up her sovereign right of secession, which she proposed to exercise in the year 1812.

Now, I wish to ask this question of the Senator: Suppose that Great Britain, with a view to trying to restore to us in Alabama our ancient rights of sovereignty as they existed before our constitution was changed on the demand of the Republican party in the United States, should say to Alabama, "We are willing to recognize your independence; we acknowledge that you have resumed the sovereignty you had before you passed your act renouncing it," does the Senator think that Great Britain by that act of recognition or that promise would restore Alabama even to her former prestige and right or that she could separate Alabama from the United States as a matter of international law?

Mr. LODGE. Of course, Mr. President, I do not think that the recognition of Great Britain could restore to Alabama or to any other State rights which under the Constitution of the United States, as I understand it, she never had. I do not want to enter into the old discussion of the constitutional right of secession, because to my mind it is simply a question of fact, a question of successful or unsuccessful revolution. What I wanted to call attention to here was merely the fact that, so far as the constitutional question is involved at all the last constitution to which Panama gave her assent was the constitution of 1858, which assured to her and to every State of the Granadine Confederation, as it was then called, the right of withdrawal, and guaranteed their autonomy.

Now, still further, in regard to the treatment of Panama and the reason why there was revolution there, I have here a letter which appeared in the New York Evening Post of December 17, dated Panama, December 8. I shall ask to have it all printed with my remarks, because it is extremely interesting, and the New York Evening Post is a newspaper which for many years has been so absolutely crazed with hostility to the Republican party or to any Administration which seemed to be advancing the interests of the United States that I am perfectly certain it can not be supposed to be a biased witness; and this is an admission against itself. This letter is worth reading, because it shows, I think, on its face why those people were ripe for revolution.

The matter referred to is as follows:

[Special correspondence of the Evening Post.]

PANAMA, REPUBLIC OF PANAMA, *December 8.*

Next to that of the negro republics the most exasperating government is doubtless that which is known as "Latin American." Panama had an experience of it which may well be indicated as an excuse for separation. To get to the point, every member of the present junta was among the company of twenty-three Conservatives of Panama called together by Govenor Alban a few years ago.

"Gentlemen," he said, when they assembled in the Yellow Room of the Palacio del Gobierno, "the Conservatives need $50,000. I will withdraw while you arrange the matter."

Retiring, he summoned his soldiers and placed a cordon around the building. Government, for much of the time, being actual martial rule, this meant that any one who sought to come out without subscribing his due share, according to his riches, would be thrown into prison. Governor Alban returned to the Yellow Room. He was met with protests.

"There are soldiers all about this house," he replied. "Before you pass through them you will subscribe $50,000." Again he withdrew; and when he returned the paper had been signed.

These subscriptions were prettily called "voluntary subscriptions," as recruits for the army were tied with ropes, yet called "volunteers." They were rather worse, as "business," than corporation contributions to Tammany Hall, because there came in return for them no adequate advantages, moral or immoral. Sometimes, if one of the eventual contributors was obstinate, he was made to take chili sauce and salt water. The suffering from this is so shocking, one is assured, that "when the man recovered he was fit for treason." At any rate he was in a receptive mood for suggestions of secession and only bided his time.

"VOLUNTARY SUBSCRIPTIONS."

Hermadio Arosemena, of the banking house of that name, suffered frequently from the "voluntary subscription," for all the Arosemenas were known to be Liberals. One day a notice was posted on his door saying that before a certain hour of a certain day he must pay $25,000. He had it reported that he was out of town—that he had gone to Ecuador. Troops were quartered in his house. "Cable him for the money," the governor recommended to the family. Arosemena was not in Ecuador, but hiding in his own home. But he would not allow the money to be paid. For nine months he was a prisoner there, never stepping beyond his threshold. Besides, the soldiers on guard during that period had to be fed from his own larder. That was the practice. At different times, not reckoning the billeting of troops, the Arosemenas paid within a few years more than $150,000 in "voluntary subscriptions" to Colombian governors.

Oscar Müller, a jeweler, shows receipts for "war loans" of $50 to $100 a month. He was born on the Isthmus. Though of German parents, he had no protection. One day he was asked for a "voluntary subscription" of $1,250. He removed everything from his safe and refused to pay. A commission came from General Alban to force the safe. Müller gave the combination rather than see the safe blown up. Nothing but old papers were found in it. "Lock his house and let no one in or out," ordered Alban. For twenty-four hours Müller's family were thus besieged. Then Müller compromised for $300. He had to pay $1 additional for the man who had come to blow up the safe. The man did not need to do the job, but he had "lost his time." Müller had also to pay $6 for the advertisement of the intended sale of his store. Your correspondent has seen all these receipts and the witnesses.

Carlos Müller, brother to Oscar, was similarly treated. His haberdashery was locked up for four days, till he should subscribe $1,250. Advertisement of a public sale of his goods was made, and then he yielded. At the house of Domingo Diaz the soldiers occupied the bedroom of Señora Diaz, and the women folk had for two nights no place to sleep. They could not leave the house. Merchants were assessed $7.50 a day for the colonel's horse when the colonel was on duty in town. The imposition was that several merchants would each be assessed for the same $7.50. They always paid rather than go to jail. Out at the barracks an Italian egg peddler was asked to leave two additional eggs for two that had been found not good. When he refused, he was taken by soldiers and given 500 lashes on his bare back.

ASSESSMENTS FOR INDIFFERENCE.

Federico Boyd was held up for $10,000, but settled for $5,000. Espriella ran away to Costa Rica—he had only just returned—to avoid a "voluntary subscription" which he heard was to be required of him. Ycaza, before he could escape, was levied upon for $5,000. It did not make any difference, if the governor wanted money, whether a man was of his own party or not. The twenty-three whom he imprisoned in the Yellow Room were Conservatives, like himself. If a man were neither Liberal nor Conservative, he was still liable to assessment. J. G. Duque, who holds the lottery privilege, had a clerk at Colon, F. Cortez, who was a Colombian, but took no part or interest in politics. He was assessed $600—for being an indifferente! "The governor gave me that explanation himself," Mr. Duque says. Soon after the clerk was assessed $400. "I had just lent the Government some money without charging interest," Mr. Duque tells me. "I went to Alban and declared that if he did not leave my clerk alone I would charge interest. At that he erased the assessment."

Officers would select saddles and swords and not pay for them. The cost would lie as a charge against some designated citizen or allowed to go to the loss column of the merchant's daybook. If one man loaned money to another it sometimes happened that the borrower would be sent for and compelled to hand over the borrowed money to the Government. The lender would have to stand the loss, as the papers would be canceled.

Importers for a while were assessed arbitrary sums instead of an import tax. Banks were forced to make loans. Government, indeed, was a kind of piracy, of buccaneering almost as barbaric as that which Henry Morgan carried on along these coasts, with headquarters at Bogota instead of at Porto Bello. Indirectly, foreigners were affected by the methods. Mr. Duque, for example, who is a Cuban-American, saw all his cattle at Chiriqui driven away by foragers for a marching army. He could get no one to testify to it (and so could not collect damages), "for witnesses would be flogged if they gave

such evidence." Soldiers turned his country house into a barracks, "and I, myself," he relates, "saw them and their women bringing my furniture to town, piece by piece, to sell it at the pawnshops." One hears of several foreigners who lost money because "voluntary subscriptions" left men unable to pay their just debts.

RAISING THE COST OF LIVING.

Monopolies were granted in ice, tobacco, salt, pearl fishing, lotteries, gambling, butchering. Ice, which is a necessity of life in this climate, was 25 cents a pound. A farmer could not kill his own cattle for market without paying $10 a head to the concessionaire. Swine had to yield $4 a head. Salt the Government bought from the concessionaire at $1.50 a hundredweight and sold it to the people at $4. Nobody could sell tobacco except Isaac Brandon & Bro. Nobody could wholesale cigarettes except Piza Piza. The prices were "all the traffic would bear." If the people were squeezed too much, they bought less. So it was more profitable not to kite rates too high. The ice monopoly paid the Government $1,000 a month for a while, and the price of ice to the consumer was 10 cents a pound. Then Bogota raised the rental to $2,000 and permitted the concessionaire to charge the consumer 25 cents a pound. On this basis the concessionaire lost money. The sale of ice decreased, and at last he could not pay the rent of his monopoly, and Mr. Duque was appointed to run the business for the Government itself, reducing the price to "what the traffic would bear."

GOVERNOR ALBAN.

Alban seems to have been the most oppressive of the military governors. Yet there was a quality in him which now and then touched the hearts of the people. He was exceedingly brave, and was killed at last in a naval battle in Panama Bay, and he lies at the bottom with his ship.

Two sisters came to him to seek the release of their brother from prison.

"Bring me $400," he answered them, "and he can go free."

The girls sold all their jewelry, but could raise only $300. "I must have the full $400," he insisted. The girls borrowed the other $100 of a usurer, and returned with the money.

"Ah, I thought you could get it," he remarked. "How did you do it?"

They showed him the receipts for the jewelry; they showed him the contract with the usurer.

"What!" he exclaimed, "10 per cent a month?" He sent at once for the usurer.

"You took the jewels of these girls, giving them only $300, and then you charge them 10 per cent a month on the other $100? Bring those jewels to me. Bring also their contract to pay." When the usurer came back Alban gave the jewels to the sisters, tore up the papers, sent the money lender back to his pawnshop, wrote out a full pardon for the brother of the girls, and—kept the $400 as punishment to the usurer.

OTHER EFFORTS AT SEPARATION.

Natives make out that the revolutionary or separatist spirit has been long years growing. Seventy years ago, when the Isthmus cut loose from Spain, it spontaneously joined Colombia.

"That country acquired it free of expense, without the cost of a penny or a life," as one of them puts it, "but she did not properly value it, for only misrule and oppression followed. The Isthmus was used merely as a source of revenue. Pondering this, our people grew resentful. Several attempts to separate from Colombia were made. One of Bolivar's soldiers, General Espinar, headed a revolution in 1830, and he set up a free state, but by reason of sweet words the Isthmus soon went back to Colombia. The sweet words meant nothing. Old practices were reverted to. Remonstrances were of no avail—inland politicians treated us more like serfs than brothers

"In 1840 there was a revolution which gave another opportunity of breaking away. Under Colonel Herrera independence was once again proclaimed. It was short lived.

"In 1855 Panama was permitted to be governed by its own special laws, and there appeared to be an era of satisfaction ahead, when General Masquera rose up, overthrew the Government at Bogota, became Dictator, and sent Murillo Toro to Panama to attach it to his cause. A fair treaty was entered into with him; but the Dictator repudiated his work and sent down an army to compel adhesion unconditionally. Panama became as a conquered land, and was treated accordingly. Her governor was replaced by one of the Dictator's creatures.

HIGHER EXPENSES IMPOSED.

"During the three years' war, which ended one year ago, we were subjected to numberless oppressions, heavily taxed, and charged enormously for the necessaries of life. That has taught us several things about Colombia and about ourselves. It taught us, for one thing, the extent of our own resources, and we began to think once more of separation. We looked upon the building of the canal as a matter of life or death to us. We wanted that because it meant, with the United States in control of it, peace and prosperity for us. President Marroquin appointed an isthmian to be governor of Panama; and we looked upon that as of happy augury.

"Soon we heard that the canal treaty was not likely to be approved at Bogota. Next we heard that our isthmian governor, Obaldia, who had scarcely assumed power, was to be superseded by a soldier from Bogota. We thought that the days of misrule were upon us once more. We decided to strike a blow for freedom. General Huertas, in command of the troops here, gladly joined us. General Tovar was coming to take his place. General Pompillio was coming to take the place of Obaldia. Tovar was to receive from Panamans $1,200, whereas Huertas had been getting only $400. Pompillio was to have a salary of $2,000, although Obaldia's had been only $800. This was penalty imposed because Bogota had heard that Panama had thoughts of disloyalty and independence.

"Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college where our children could be educated, nor do anything at all to advance our industries. * * * Well, when the new generals came, we seized them, arrested them, and the town of Panama was in a joy. Not a protest was made, except the shots fired from the Colombian gunboat *Bogota*, which killed one Chinese lying in his bed. We were willing to encounter the Colombian troops at Colon and fight it out, but the commander of the United States cruiser *Nashville* forbade Superintendent Shaler to allow the railway to transport troops for either party. That is our story."

LITTLE OPPOSITION.

Panama evades much, gains more, and loses nothing at all in achieving separation with American bayonets to maintain it. She will get $10,000,000 for canal rights; will have her two main towns cleaned by the United States, and will derive obvious and tremendous benefits from the incoming of the thousands of canal workmen.

Her material advantages are so clear that it is natural that opposition to her new direction should be difficult to find. The church, of course, will have to readjust its manner of support, as it did in Cuba and the Philippines; but Saturday's outbreak in the barracks was of no account as a sign of opposition.

If the Spanish method of doing things was not still unconsciously influential with the provisional government, there would have been no deportation of soldiers, for the evidence on which, without a hearing, they were adjudged guilty of conspiring to kill the commanding general, Huertas, was very flimsy and the action somewhat hysterical.

Two letters were written from Port Limon, one to Huertas telling him he'd better read one which was coming to Colonel Ferral. He intercepted the one addressed to Colonel Ferral. It seemed to hint at an attempt to recapture the garrison for Colombia, and forthwith he arrested everybody mentioned in the Ferral letter, ran them at point of bayonet aboard a train for Colon to be taken out of the country.

"I shall be landed on the beach at Port Limon," remarked Colonel Lorano, good humoredly, "with only $2 silver in my pocket. I am sorry now I took the trouble to pay all my bills before leaving Panama."

He protests that he would like to stay in the new Republic. "Why should I plot against it? I signed allegiance to it, with the rest, and thereby sacrificed connection with Colombia. If I should go to Colombia, I'd be shot for treason."

F. C.

Mr. LODGE. That, I think, is pretty good testimony as to the conditions down there in Panama.

Now I come to the question of the incidents which led up immediately to the recognition of Panama by the United States. I will first show how they knew of it in Bogota. Mr. Beaupré, on the 21st of October, wrote:

SIR: I have the honor to inform you that there is no disguising the alarm existing as to the possible action of the Government of the United States should the feeling of disaffection undoubtedly existing in the Department of Panama find expression in overt acts. This alarm took the form of a heated debate in the Senate yesterday, when the Government was again attacked for the appointment of Señor Obaldia as governor of Panama.

On October 29 he telegraphed:

October 29, 1 p. m. Please give instructions to consul-general at Panama keep me advised by cable matters of consequence.

At that time it was so well known in Bogota what was impending that he thought it important he should be in immediate communication with the consul-general.

The PRESIDENT pro tempore. Will the Senator from Massachusetts suspend for one moment? The hour of 2 o'clock has arrived, and under the rule the Senate should proceed to consider the Calendar of General Orders.

Mr. FAIRBANKS. Mr. President, I ask that the Senator from Massachusetts may be permitted to proceed with his remarks to their conclusion.

Mr. MORGAN. I should like to ask in this connection whether there will be any objection to making the resolution the regular order for 2 o'clock until it is disposed of. I should like to have that question put to the Senate.

Mr. LODGE. I have no objection, of course, Mr. President——

Mr. SPOONER. Let that——

Mr. HALE. The Senator can gain all he requires without committing the Senate to an order of continuing business if the Senate consents now unanimously that the consideration of the resolution may be proceeded with. I should not want to agree that it shall be made the continuing standing order, but I have no objection to its being considered, and that the consideration may be proceeded with.

Mr. MORGAN. Does the Senator mean for to-day?

The PRESIDENT pro tempore. The Chair calls the attention of the Senator from Maine to this: Two o'clock has arrived. Suppose that by unanimous consent the resolution is proceeded with, does it not become unfinished business, and would that not be its position to-morrow?

Mr. HALE. I should want the agreement made in such a way that it was not hard and fast to exclude all other business. I have no objection to its being proceeded with for the rest of the day. Then we can deal with it at the end of the day and the situation at that time. I should object to anything else.

Mr. MORGAN. There is a difficulty in the way of proceeding with it for the rest of the day, provided we reach a vote on it, for the reason that the Senate has not been notified of any such proposition, and it is very thin, particularly on this side of the Chamber. I would suggest that the Senator from Massachusetts be permitted to finish his remarks this morning, and that the resolution go over to take a place to-morrow morning at the close of the routine business.

Mr. LODGE. That it shall go over without prejudice.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senator from Massachusetts may proceed with his remarks, notwithstanding the fact that the hour of 2 o'clock has arrived, and that this resolution shall be considered in order to-morrow morning immediately after the conclusion of the morning business.

Mr. HALE. That does not make it a continuing order after the termination of the morning hour?

Mr. MORGAN. Not at all.

The PRESIDENT pro tempore. The Chair would rule that it did not make it the unfinished business.

Mr. HALE. Then I have no objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is agreed to.

Mr. LODGE. Mr. President, it will be noticed that on October 29 Mr. Beaupré in Bogota thought the revolution was impending and on the 31st he says:

The people here in great anxiety over conflicting reports of secession movements in the Cauca and Panama.

In other words, on the 31st of October people in Bogota had reports that revolution had actually broken out, and on November 18 he heard from our Government the action that we had taken.

Now, that is what was known in Colombia. The talk had begun in Bogota as early as May about a probable revolution in Panama. It was the common talk of the city. It was openly spoken of by the representatives of Panama in the Congress. It was openly discussed everywhere days before it occurred. So expected was it that there were rumors in Bogota that it had occurred before November 3. All the world knew last summer that there was revolution impending. The correspondent of the New York Evening Post for December 8 says that they were planning revolution in Panama early in May. I happened to be out of the country, seeing only foreign newspapers in London and elsewhere, but it was a matter of common knowledge, both in Europe and in England, that revolution was impending in Panama if the treaty was not agreed to.

That knowledge, of course, came to the Executive. He had information also from our naval and military officers, which has been cited in his message. It was his business to keep informed, but the fact of information does not imply assurances or connivance, and the insinuations of connivance and incitement have already been denied in a manner which requires neither repetition nor support from me or anyone else. Those insinuations have been spread abroad for political purposes and by persons outside the Capital for much more discreditable objects. The President would have been in the highest degree censurable if he had not taken every proper precaution to prepare for the event which the reports of the disturbance on the Isthmus suggested. He was bound to carry out the provisions of the treaty of 1846. We have always construed that treaty to mean that we were charged with the responsibility of keeping open the transit across the Isthmus; that we were not charged with the duty of enforcing the power of Colombia if there was a revolt; that we were there to protect it against foreign aggression, but that our primary duty was to keep it open and uninterrupted.

All this information had come in upon the President, and he had as in duty bound considered it and watched events. Finally there came what constitutes the first act of our Government. News arrived that Colombia was about to land a force of 6,000 men at Colon, and the Acting Secretary of the Navy on November 2 sent this dispatch:

> Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

That was the first step. The next day, November 3, a press bulletin having announced an outbreak on the Isthmus, the Acting Secretary of State telegraphed to the consul at Panama:

> Uprising on Isthmus reported. Keep Department promptly and fully informed.

The reply came back that there was no uprising, that it was expected that night. Within a short time, a little more than an hour, came the dispatch:

> Uprising occurred to-night, 6; no bloodshed, etc.

The rest of the story is fully set forth in the dispatches from the State and Navy Departments which the President has transmitted to Congress.

Mr. President, the preparations that have been very largely talked about, and which I have no doubt were adequately made, really resulted in the presence of one vessel of war at Colon. We landed from that vessel forty-two sailors and marines. The landing party was commanded with judgment. The captain of the *Nashville* showed the utmost discretion and firmness. He prevented with an even hand either party from using the railroad. He prevented bloodshed. He kept peace on the Isthmus. Mr. President, the President of the United States has been assailed for landing troops. He has landed no troops. Some sailors and some marines have been landed, and he has been charged with having made war by the act of recognition and by the landing of the forces of the United States.

It is perfectly certain, Mr. President, that the act of recognition by all the best authorities is held not to be in itself an act of war. As for the landing of those sailors and marines to keep order, we have done it over and over again. We did it in 1900; we did it in 1901; we did it in 1902. The dispatches of 1901 and 1902 were read in the President's message here yesterday. The Admiral there at that time telegraphed to the Department that he had only allowed the troops to go without their arms and under our naval guard, and that he had allowed the arms to go by a freight train—a separate train—also under guard. Colombia has asked us to keep that line of transit open over and over again. She asked us to do it on this very occasion. Under the treaty of 1846 the President had no choice except to maintain order and peace across that line of transit, and yet he is charged with having made war.

Well, Mr. President, if he did make war by that act he had a good Democratic precedent for an Executive making war. Mr. Webster said in a speech in Faneuil Hall, and I use his words because they are particularly good:

> The Mexican war is universally odious throughout the United States, and we have yet to find any Sempronius who raises his voice for it.

Some one in the gallery asked who voted for the war and Mr. Webster replied, "Nobody at all; the President made it without any vote whatever."

That is good Democratic precedent if it is held that war has been made by the executive authority; but, Mr. President, there is no need of citing President Polk's action or that of anybody else. There has been no war on the Isthmus, and the result of our landing troops is that, instead of that Isthmus being drenched in blood by contending factions, there is absolute peace. There has been no life lost except that of the unfortunate and inevitable Chinaman, who was killed in his bed by a shell from a Colombian gunboat. I think it is a good thing to have stopped the fighting there, even if nothing else was effected.

We have seen, therefore, that the President, in common with all the rest of the world, knew a revolution was impending. He had certain duties to perform; he made reasonable preparations, if anything too inadequate, for what he anticipated. When the revolution came he prevented fighting and kept the transit open. I think that was a wise and proper step to take, one which it was his plain duty, even if he had not desired to do so.

The matter of recognition followed quickly, because it was an occasion in which it was in the interest of the United States, as the recognizing Government, to act quickly. I think myself, Mr. President, that the President of the United States would have been in the highest degree blameworthy if he had not taken precautions and if he had not protected the transit across that Isthmus. Our naval forces there prevented those people from getting at each other's throats. They held back one as much as the other, and the result has been the establishment of that Republic by the people of Panama without any serious opposition to it within its own borders.

That we are not alone in so judging the event is shown by the list of governments which have recognized the independence of Panama, and which I shall ask to have printed with the dates of recognition. It is worth while to read them over again, for people forget that the world has given full assent to the justice of our action.

The United States recognized Panama on November 13, then France, China, Austria-Hungary, Germany, Denmark, Russia, Sweden and Norway, Belgium, Nicaragua, Peru, Cuba, Great Britain, Italy, Japan, Costa Rica, and Switzerland.

List of governments which have recognized the independence of Panama, with the dates of recognition.

United States	Nov. 13, 1903	Nicaragua	Dec. 15, 1903
France	Nov. 16, 1903	Peru	Dec. 19, 1903
China	Nov. 26, 1903	Cuba	Dec. 23, 1903
Austria-Hungary	Nov. 27, 1903	Great Britain	Dec. 24, 1903
Germany	Nov. 30, 1903	Italy	Dec. 24, 1903
Denmark	Dec. 3, 1903	Japan	Dec. 28, 1903
Russia	Dec. 6, 1903	Costa Rica	Dec. 28, 1903
Sweden and Norway	Dec. 7, 1903	Switzerland	Dec. 28, 1903
Belgium	Dec. 9, 1903		

Those recognitions indicate that the rest of the civilized world do not think it was a very unreasonable thing for us to have recognized that new Republic quickly.

Among the multiplicity of objections brought forward to our action is the objection that Panama ought to pay a part of the debt of Colombia. I should like to know when it became a principle of international law that a seceding state, if it succeeded in establishing itself as a separate government, ought to pay any part of the debt of the country from which it separated. When we separated from England I do not recollect that we took up any portion of the imperial debt for payment, and I never thought any dishonor attached to us because we did not offer to pay our share of that debt. When Cuba was freed by our hands we insisted above all things that she should not be held liable for a single dollar of the Spanish debt, and we would not permit that that separating state should be responsible for any part of the debt of the mother country.

Mr. SPOONER. Will the Senator permit me to make a suggestion on that point?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. SPOONER. I wish also to allude to the fact that a part of that debt was secured by the hypothecation of Cuban revenue, and still we would not permit Cuba to be held liable for it.

Mr. LODGE. Certainly. As the Senator from Wisconsin has well suggested, though the revenues of Cuba were particularly hypothecated for that debt, though it was made a special Cuban

debt, we would not permit it to become any part of the obligation of the new State.

Mr. MORGAN. Will the Senator from Massachusetts permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Alabama?

Mr. LODGE. Certainly.

Mr. MORGAN. The Senator has read a list of governments which have recognized something in Panama. I do not know whether it is a government de facto or a government de jure, or whether the independence or sovereignty of Panama has been recognized by these countries. Does the Senator know?

Mr. LODGE. I do not understand the Senator's question.

Mr. MORGAN. I say I do not know whether the form of recognition by these various governments as to the Government of Panama was that it was a de facto, a de jure, or a sovereign and independent government. Does the Senator know?

Mr. LODGE. Mr. President, it was a recognition of the Government as an independent de facto government with whom they could transact business—the usual recognition.

Mr. MORGAN. That is independence.

Mr. LODGE. I never heard of a recognition with a reservation. Perhaps the Senator has.

Mr. MORGAN. That is a new phrase to me—"an independent de facto government."

Mr. LODGE. The Government was de facto. They recognized it as an independent government without any qualifications whatsoever, of course.

Mr. MORGAN. Is the Senator sure of that?

Mr. LODGE. I never knew of recognition being accorded with qualifications or limitations.

Mr. MORGAN. I was merely inquiring as to the fact.

Mr. LODGE. I understand it was a complete recognition in every case—as complete as ours.

Mr. MORGAN. My understanding has been quite the reverse, and therefore I asked the Senator.

Now, may I ask the Senator whether any of those governments, having recognized whatever they have recognized, have not in effect insisted that Panama is obliged under the laws of nations to assume a part of the debt of Colombia?

Mr. LODGE. I do not understand that any government has insisted on it.

Mr. MORGAN. Or was insisting?

Mr. LODGE. I do not understand that any has insisted.

Mr. MORGAN. Then the newspapers are in error.

Mr. LODGE. I think that highly probable, though I make that statement, of course, with great reservation and great hesitation. Undoubtedly the British bondholders and other bondholders have been talking about their Colombian bonds, but I do not understand that any government has put any qualification on their recognition of Panama.

Mr. MORGAN. The Senator never knew a Britisher to joke about money, did he?

Mr. LODGE. As a matter of fact, in the papers sent in yesterday——

Mr. SPOONER. The Senator will, of course, see that the recognition of the liability of a government and the demand that they agree to pay a part of the debt of the government from which they have separated could not be anything else than a recognition of the former's independence.

Mr. MORGAN. And nothing else.

Mr. LODGE. But, Mr. President, as a matter of fact Panama has made an offer, and authorized it through her minister here, and has announced her intention and her willingness, as appears in the correspondence transmitted yesterday, to assume one-fifteenth of the debt—her population being one-fifteenth of the population of Colombia—and she has also proposed that $8,000,000 of the $10,000,000 should be held in trust by the United States. Those do not seem unreasonable or unfair propositions.

Mr. MORGAN. May I ask the Senator is there any condition annexed to that proposition requiring that we are to furnish the money?

Mr. LODGE. We are to furnish what money?

Mr. MORGAN. To pay the debt she insists she is ready to assume.

Mr. LODGE. Of course we have to pay the $10,000,000 under the treaty. I suppose she means to take part of that $10,000,000 to pay her share of the debt.

Mr. MORGAN. I was only thinking it would be a pretty bad debt if we did not furnish the money.

Mr. LODGE. I think it is undoubtedly a very bad debt now so far as Colombia is concerned, but I think if Panama undertakes to pay it it will be a very good debt.

Mr. President, this question is an American question, and our interests in it are very profound indeed. The portion of the country which I have the honor to represent in part is far removed from the canal, and yet it is of immense interest to the people of New England that there should be that quickened communication to the East. Deep as our interest is far up there on the Atlantic coast, it is nothing to the interest of the people of the Gulf—to the people who are selling their cotton as well as their manufactures in the East. Most important of all, Mr. President, more important than any commercial advantage, is the fact that it makes the coast of the United States practically continuous from the Columbia River to the extremest boundary of Maine.

Mr. President, the commercial interests, the interests of our self-protection, involved in that canal are of the largest possible kind. It seems to me that it gives us a stake in that Isthmus which can not be overestimated. We also stand before the world as the nation which has taken up this great task of opening communication between the Atlantic and the Pacific. The civilized world has committed that work to us and has done so gladly. We stand in relation to that Isthmus not only for our own interest, but as the trustee of the interests of the whole civilized world. The people who live there, who own it if any people in the world own it absolutely, are anxious that we should go there and build a canal on our own terms. We are not taking it from the people who dwell there. They are only too anxious to have us come. But there are a few people up in the mountains and on the great plateaus in the interior, farther removed from Panama, so far as actual communication goes, than we are in the United States, and they have undertaken to say that Panama shall not have that canal; they propose to take from Panama, if they could make a treaty, every dollar that is involved in it—people who do not own the territory and whose interests are trivial compared to the rest of the world. I do not think, Mr. President, that those people have the right to stand across the pathway of the world's commerce and say, "Here it shall not come." I think that it is part of our duty to do just what we have done. I think we should have been false to our duty if we had not done it, and there is nothing whatever in all the action of the Colombians, of whom our treatment has been more than generous, which should make us repent of any act that has there been committed.

Mr. President, this seems to me—if it can be said truly of any question—to be a question that is not one of party. Certainly it is a question in which the interests and the hopes of all the people of the United States—North and South, Democrat and Republican—are alike bound up. I think it is a great achievement, in which we should all be proud to take a part. I never in my life, I think, questioned the motives of anybody who differed from me, and I do not now; still less should I impugn the patriotism of Senators who hold a different view of this question from my own. I only ask from them the same belief in my sincerity that I accord to theirs; but I do think that it is fairly open to discuss this question from a political standpoint, and I confess the attitude assumed by some portions, at least, of the Democratic party is very curious and interesting.

I know well that there are some members of that party here and large numbers of that party outside of Washington who are as zealous and as eager for the promotion of this canal and the ratification of this treaty as any people can possibly be. I know too that there are others—for I have read debates which have occurred elsewhere—who, while they protest their hatred of the sinner, seem perfectly willing to embrace the sin. But, Mr. President, there is still another element which seems desirous to make this a party question and to extract from it political capital. It seems to me that a stranger idea than that never entered into the head of man.

I quite agree with the saying of Disraeli that "the business of an opposition is to oppose," but I think that great parliamentary leader, when he uttered that epigram, postulated that the opposition should be intelligent, for he knew perfectly well that the duty of an opposition was to be always ready to take up the government from the hands of those who were then administering it, and that nothing could so soon prevent the rise of an opposition to power as their convincing the electorate that they were not fit to govern. Such unfitness is very easily shown by the attitude of an opposition; and when a party thinks that there is political capital to be gathered in resisting the policy which would begin at once the opening of that great canal, I think, Mr. President, if I may be pardoned for saying so, that it exhibits a misapprehension which it is hard to fathom. I have been reminded by this Democratic opposition on several occasions of Doctor Johnson's remark about Thomas Sheridan, the father of the great dramatist and orator. He said: "Sherry is dull, sir, naturally dull, but he must have taken great pains to arrive at his present position. Such an excess of stupidity is not in nature, sir." [Laughter.]

Mr. President, think of the proposition of making political capital out of a question of this nature. As a Republican I should ask nothing better than to have the Panama Canal made the issue in the impending campaign. I think, indeed, that a good deal of valuable material has already been given us in that direction, but

I should be very sorry, as an American, to see the work of building the canal delayed, and I believe, Mr. President, that when it is thought over seriously by the Democratic party they will see that there are more judicious courses than to oppose simply because the other party proposes. There must be grounds of opposition more relative than that if you would satisfy the American people, and I am sure that the Democratic party will not always be deceived by the solemn face of an apparent wisdom which sometimes proves to be nothing but that ordinary cunning which overreaches itself.

Mr. President, my own feeling about this policy in regard to Panama I can best express by comparison with the great event which we are about to celebrate at St. Louis. When Mr. Jefferson bought the Louisiana territory in 1803, he met with deep opposition, chiefly from men representing my own part of the country. They were honorable, high-minded men, although they made then a great mistake. But what I wish to call attention to is this: Mr. Jefferson believed that when he made that purchase he was transcending his constitutional powers. I do not think that he was; posterity does not think so; but he thought so at the time, and even went so far as to suggest the passage of a constitutional amendment. And yet, thinking so, he went boldly on and performed what I regard as the greatest act of his life; did what I consider one of the great acts of American history; certainly reared to himself the most splendid and enduring monument that any man could rear. Mr. President, there has been no occasion here for any man to doubt about constitutional powers. Laws and constitutions are not disregarded by men as familiar with the history of their country as the President and the Secretary of State. The Secretary of State is one of the most accomplished men who ever held that great place. I doubt if anyone has ever rivaled him in his familiarity with what has gone before and with the acts of all his predecessors. The President and the Secretary of State have regarded this question with the deep sense of responsibility which comes upon men who in high executive position are called upon to take a momentous step. I believe they acted as patriots and as far-seeing Americans; and when that canal is completed—and I hope not many years will pass until that happens—I believe that then the voice of the American people will acclaim the action of this Administration, which threw open the gateway between the Atlantic and the Pacific oceans, even as they acclaim the action of Jefferson when he bought the territory of Louisiana.

Mr. President, I had meant to stop here, but these are days when new events tread fast upon each other's heels. This morning I had the pleasure of reading the account of a great banquet in New York and I can not properly finish without an allusion to something that was said there. It seemed to me a most interesting occasion. Tammany Hall and the remnants of the Democratic reform administration nestling under the wings of Mr. David B. Hill! I do not know which was the lion and which were the lambs, but they were certainly all lying down together. [Laughter.] Among others present was a very distinguished citizen of my own State, whom I am very proud and happy to call my personal friend. I very rarely agree with him on any political question, but he made a single statement last night with which I think I am in more or less agreement. He referred in a picturesque way to the dreadful career that has been run by the Republican party since it came into power in 1896. He said that we had passed from "a needless war with Spain to a wanton war with Colombia."

"Needless war with Spain!" Mr. President, I am inclined to think that the adjective was well chosen. If, when the first stirrings for independence had come in that island, the Administration of Mr. Cleveland had behaved with sense and courage; if they had told Spain that the time had come when the United States could no longer hold back and that Cuba must be free, I have always believed—I believed then, and I believe now—that Cuba would have obtained her independence, perhaps after some protracted negotiations, but without any war by us. I have always thought that if that Administration, instead of taking counsel with the minister of Spain and a great sugar planter in Cuba, had been guided by a sound and brave American spirit before Spain had squandered blood and treasure in the island, we might indeed have been saved from the war.

And, Mr. President, I look forward with great interest and great pleasure to the picture that was there drawn by the ex-Secretary of State when he eulogized the last Democratic President. Apparently in twenty years he is the only candidate they can produce, and Mr. Olney seems to think he is the only one they can run. Very well, Mr. President, whatever his strength or whatever his weakness, I can not refrain from saying that his nomination would present me at least with one great source of pleasure. His Administration has never been discussed. I do not regard the Democratic party—this, I suppose, is a partisan remark, but I shall make it—I do not, I say, regard the Democratic party as always abounding in good sense, but they had too much sense to fight the campaign of 1896 on the performances of Mr. Cleveland's Administration. They repudiated him and his Administration, and we were deprived of the opportunity of discussing it. We may say what we will about the silver issue, but it was a better issue for the Democratic party to meet the country on than what had gone before; and when I saw the accounts of this delightful banquet in New York and read those inspiriting speeches and observed the Democratic party once more, through its chosen leaders there present, preparing to stand across the pathway of American progress and proposing to put at their head the man who last held power in their name I confess my spirits rose higher than ever about Republican prospects. I thought of what a pleasure it would be to contrast the policy which tried to set up Liliuokalani in Hawaii with the policy of the Republican party which has made those islands a part of the United States; to contrast the tariff which they passed, and which their own President called the "tariff of perfidy and dishonor," with the tariff we passed; to examine the history of the loans which they made in a time of profound peace to the bankers of New York with an interest rate far above what the United States could borrow at even then, and contrast them with the popular loan which we made in time of war; above all I should like to compare that era of panic and depression with the prosperity which followed. The whole field fairly bristles with delightful contrasts. I think, Mr. President, that nothing could be happier for us—and we have had a great deal of good fortune in time past showered on us by our Democratic friends—than to have them nominate the last Democratic reform President, with the agreeable record of his last Administration as a theme for debate, on a policy of sustaining Colombia and opposing the United States in digging the canal at Panama. [Manifestations of applause in the galleries.]

The PRESIDENT pro tempore. Under the unanimous-consent agreement the resolution takes its place immediately after the conclusion of the morning business to-morrow.

MISSISSIPPI RIVER BRIDGE AT GRAYS POINT, MO.

Mr. COCKRELL. I ask unanimous consent for the present consideration of the bill (S. 2300) to supplement and amend an act entitled "An act to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Mo.," approved January 26, 1901. This bill has been favorably reported from the Committee on Commerce, and it is important that it should be passed at once, as it is only an extension of the time for the construction of the bridge. It will take but a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERVENTION IN COLOMBIA.

Mr. GORMAN. In view of the fact that by consent the morning hour to-day was taken up in order that the Senate might hear the Senator from Massachusetts [Mr. LODGE], I ask unanimous consent to submit at this time a resolution of inquiry on the subject discussed by the Senator from Massachusetts. It calls for some additional papers in connection with the matter pending before the Senate. I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland asks unanimous consent to present at this time a resolution. Does the Senator ask for its present consideration?

Mr. GORMAN. I do, sir.

The PRESIDENT pro tempore. And he asks for its consideration now. The resolution will be read to the Senate for its information.

The Secretary read the resolution, as follows:

Resolved, That the President be requested, if not in his judgment incompatible with the public interest, to inform the Senate:

1. The date when and the circumstances under which the United States intervened for the first time and each succeeding time with a military force in the internal affairs of New Granada or Colombia under the treaty of 1846; whether such intervention was on the initiative of the United States or by the request of New Granada or Colombia, or in consequence of any official representation of either, and also to transmit to the Senate copies of the letters or notes in the Department of State, and of the orders by the Navy Department relating to such intervention.

2. Also to inform the Senate whether or not the United States has been asked by New Granada or Colombia or any official representative of either to execute by armed force either the guaranty of the neutrality of the Isthmus or of the sovereignty of New Granada or Colombia over the same, and if the United States has been so asked, then the dates and circumstances thereof, and to send to the Senate copies of the letters or notes in each case conveying the application and what was done thereunder by the United States.

3. And also to inform the Senate in which, if any, of the disturbances on the Isthmus of Panama referred to by the President in his last annual message the United States intervened by the employment of military force solely on its own initiative and uninvited by the Government owning the Isthmus, and also to inform the Senate of the circumstances in each case which required such intervention, and transmit copies of the orders issued by the Navy Department for such purpose.

4. And also that he will inform the Senate of the dates when and circumstances under which the United States has intervened in the internal affairs of New Granada or Colombia by military force in aid of a revolt or rebellion

or disturbance of the peace therein, or to suppress such revolt, rebellion, or disturbance.

5. And also to inform the Senate which words, if any, in the treaty of 1846 authorized the United States, in the opinion of the President, to enter by military force and uninvited into the territorial jurisdiction of New Granada or Colombia in order to prevent the interruption or embarrassment of free traffic across the Isthmus.

The PRESIDENT pro tempore. Is there objection to receiving the resolution at the present time?

Mr. ALLISON. I do not object to receiving it.

The PRESIDENT pro tempore. The Chair hears none. Is there objection to its present consideration?

Mr. ALLISON. I object, Mr. President.

The PRESIDENT pro tempore. The resolution will go over under the rule.

Mr. PLATT of Connecticut and Mr. KEAN. And be printed.

The PRESIDENT pro tempore. And be printed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, January 6, 1904, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1904.

INDIAN AGENT.

Ira A. Hatch, of South Dakota, to be agent for the Indians of the Cheyenne River Agency in South Dakota.

POSTMASTERS.

CONNECTICUT.

Edward B. Bennett to be postmaster at Hartford, in the county of Hartford and State of Connecticut.

William H. Brown to be postmaster at Jewett City, in the county of New London and State of Connecticut.

William Holmes to be postmaster at Shelton, in the county of Fairfield and State of Connecticut.

INDIAN TERRITORY.

Robert B. Ross to be postmaster at Tahlequah, in the Cherokee Nation, Ind. T.

KANSAS.

W. S. Baxter to be postmaster at Baxter Springs, in the county of Cherokee and State of Kansas.

Harvey J. Penney to be postmaster at Hays, in the county of Ellis and State of Kansas.

MAINE.

James H. DeCoster to be postmaster at Mechanic Falls, in the county of Androscoggin and State of Maine.

MASSACHUSETTS.

Paul R. Bridgman to be postmaster at Ware, in the county of Hampshire and State of Massachusetts.

William L. Lathrop to be postmaster at Orange, in the county of Franklin and State of Massachusetts.

Henry S. Moore to be postmaster at Hudson, in the county of Middlesex and State of Massachusetts.

Edward G. Spooner to be postmaster at Fairhaven, in the county of Bristol and State of Massachusetts.

Charles E. Wallace to be postmaster at Fitchburg, in the county of Worcester and State of Massachusetts.

James H. Whetton to be postmaster at Highlandville, in the county of Norfolk and State of Massachusetts.

MICHIGAN.

George Burkhart to be postmaster at Saline, in the county of Washtenaw and State of Michigan.

Edward F. Evarts to be postmaster at Chesaning, in the county of Saginaw and State of Michigan.

OHIO.

William P. Gillam to be postmaster at Nevada, in the county of Wyandot and State of Ohio.

Vernie E. Humphrey to be postmaster at Fayette, in the county of Fulton and State of Ohio.

Charles W. Jones to be postmaster at Waverly, in the county of Pike and State of Ohio.

David H. Perrin to be postmaster at Maumee, in the county of Lucas and State of Ohio.

Charles S. Putnam to be postmaster at Conneaut, in the county of Ashtabula and State of Ohio.

Charles B. Saxby to be postmaster at Weston, in the county of Wood and State of Ohio.

PENNSYLVANIA.

Michael Weyand to be postmaster at Beaver, in the county of Beaver and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 5, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

Mr. ADAMS of Pennsylvania. Mr. Speaker, I rise for the purpose of correcting the Journal. I think there is a clerical error. As I understood the reading, it was stated in the Journal that "Mr. GARDNER of Massachusetts" raised the point of order against the resolution, when it was the gentleman from New Jersey [Mr. GARDNER]. It is only a clerical error.

The SPEAKER. The Journal is correct.

SYMPATHY AND CONDOLENCE FOR THE PEOPLE FO CHICAGO.

Mr. EMERICH. Mr. Speaker ——

The SPEAKER. For what purpose does the gentleman rise?

Mr. EMERICH. To offer a resolution of sympathy and condolence for the grief-stricken people of the city of Chicago, which I ask the Clerk to read.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the following resolution.

The Clerk read as follows:

Be it resolved by the House of Representatives of the United States of America, That the sincere and tender sympathy of this body be extended to the grief-stricken citizens of the city of Chicago in their sad bereavement and desolation.

Be it resolved, That the shocking calamity which has lately occurred in the city of Chicago has appalled the entire country, and this House, on behalf of the people of the United States, is deeply sensible of the sorrow and despair caused by this frightful disaster, and sincerely condoles with the maimed and stricken and those bereaved through the loss of loved ones.

Be it further resolved, That a copy of these resolutions, duly authenticated by the Speaker and Clerk of the House, be transmitted to the mayor of the city of Chicago.

Mr. TAWNEY. Mr. Speaker, I would suggest that the resolution ought to be amended because of the fact that there were citizens from very many States who were injured or killed in the catastrophe, and the resolution ought to read "citizens of Chicago and elsewhere."

Mr. EMERICH. Mr. Speaker, I have no objection to the amendment. I am satisfied that the loss is mourned not only in this country, but throughout the civilized world, as the calamity has proven so serious and so widespread that expressions of sympathy and condolence have been received from all over the world.

Mr. TAWNEY. I am informed that burial permits were granted for 238 outside of the city of Chicago.

The SPEAKER. Does the gentleman accept the amendment?

Mr. EMERICH. Yes, sir; I accept the amendment.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none. The question is on agreeing to the resolution as amended.

The resolution as amended was unanimously agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair lays before the House the following message from the President.

Mr. HAY. A parliamentary inquiry, Mr. Speaker. Does the reading of the message of the President interfere with the matter of privilege that was up when the House adjourned?

The SPEAKER. It would come up as unfinished business, being a matter of privilege. Does the gentleman demand the regular order?

Mr. HAY. Yes, sir; I demand the regular order.

RULING.

The SPEAKER. The Chair desires at this time to correct a ruling made by the Chair yesterday. After the previous question had been moved upon this resolution yesterday the gentleman from New York [Mr. PAYNE] proposed a motion to refer. The Chair had in mind clause 4 of Rule XVI, which is as follows:

When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order.

Now, with that rule standing alone, the ruling of the Chair was strictly in accordance with the letter of the rule; but the Chair had overlooked Rule XVII, which is as follows:

There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.